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WEDNESDAY, FEBRUARY 11, 1976

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	LABOR			LABOR

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

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An act to amend the National Portrait Gallery Act to redefine "portraiture" (Feb. 5, 1976; 90 Stat. 30)

S. 2718 ..... Pub. Law 94–210
Railroad Revitalization and Regulatory Reform Act of 1976 (Feb. 5, 1976; 90 Stat. 31)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs.; 1975 Crop Tung Oil Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1975 Crop Tung Oil Warehouse-Stored Loan Program

On September 24, 1975, a notice of proposed rulemaking relating to the support program for 1975 crop of tung nuts was published in the FEDERAL REGISTER (40 FR 43919). Interested persons were given 30 days in which to submit data, views, or recommendations pertaining to the proposed determinations. No response was received pursuant to the notice of proposed rulemaking. Accordingly, it has been determined that under present circumstances, a support level at 65 percent of parity is appropriate.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 FR 7363), as amended, and the 1970 and Subsequent Crops Tung Oil Warehouse-Stored Loan Program Regulations (35 FR 19499), as amended, are further supplemented for the 1975 crop of tung nuts. The material previously appearing in §§ 1421.450 through 1421.453 shall remain in full force and effect as to the crops to which it is applicable. Accordingly, the regulations contained in 7 CFR 1421.450 through 1421.453 and the title of the subpart are revised to read as follows:

Subpart—1975 Crop Tung Oil Warehouse-Stored Loan Program

Sec.
1421.450 Availability.
1421.451 Service fees and delivery charges.
1421.452 Support rate.
1421.453 Maturity of loans.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended 15 U.S.C. 714b and c); secs. 201, 401, 63 Stat. 1052, as amended, (7 U.S.C. 1446, 1421)

Subpart—1975 Crop Tung Oil Warehouse—Stored Loan Program

§ 1421.450 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *Period.* Loans will be available from November 1, 1975, through September 30, 1976.

§ 1421.451 Service fees and delivery charges.

Producers shall pay a loan service fee as provided in § 1421.11(a) of the general regulations and instead of the delivery charges specified in § 1421.11(b) of the general regulations, a delivery charge of 6 cents per hundredweight for the quantity of tung oil tendered to CCC for loan which is not redeemed by October 31, 1976. Such fee and charge will be deducted from loan proceeds, but the charge applicable to the quantity of oil redeemed will be credited to the producer's account.

§ 1421.452 Support rate.

Loans on eligible tung oil produced from 1975 crop tung nuts shall be made at the rate of 29.2 cents per pound.

§ 1421.453 Maturity of loans.

Loans will mature on demand but not later than October 31, 1976.

Effective date: February 11, 1976.

Signed at Washington, D.C. on January 29, 1976.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-4053 Filed 2-10-76;8:45 am]

PART 1423—PROCESSED AGRICULTURAL COMMODITIES

Subpart—Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities

REVISION

The only substantive change under this revision is the elimination of the restrictive requirement for performance bonds or other security covering the obligations of warehousemen storing and handling processed agricultural commodities under Commodity Credit Corporation and United States Department of Agriculture programs. Accordingly, it is determined that compliance with the notice of proposed rulemaking procedures is unnecessary and contrary to the public interest.

The regulations appearing in this subpart which were published on February 18, 1969 (34 FR 2304), and amended on June 24, 1975 (40 FR 26503), are revised to read as follows:

Sec.
1423.1 General statement and administration.
1423.2 Basic standards.
1423.3 [Reserved]
1423.4 Examination of warehouses.
1423.5 Exceptions.
1423.6 Approval of warehouses; requests for reconsideration.
1423.7 Exemption from requirements.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b)

§ 1423.1 General statement and administration.

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval of his warehouse(s) by Commodity Credit Corporation (hereinafter called "CCC") for the storage and handling in dry or refrigerated warehouses of processed agricultural commodities (other than bulk oils) under a Storage Contract For Processed Commodities (which commodities hereinafter are referred to collectively as "processed commodities"). This subpart also prescribes the procedure to be followed by a warehouseman in obtaining such approval. This subpart is not applicable to processed commodities purchased in store for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the storage contract and other forms required to obtain approval under this subpart may be obtained from the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas, 66208 (hereinafter referred to as the "Prairie Village Office").

(c) A warehouse must be approved by the Prairie Village Office and a storage contract must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage contract does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the Prairie Village Office:

(1) A completed Form CCC-560, "Application for Approval of Warehouse (Processed Commodities)".

(2) A current financial statement on Form TW-51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the ac-

countant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Evidence that he is licensed by the appropriate licensing authority as required under § 1423.2(b) (2) and such other documents or information as CCC may require.

§ 1423.2 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, for the storage or handling of processed commodities shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, Part 1407 of this chapter, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing for hire the commodity involved. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license if required by State or local laws or regulations.

(3) Have a net worth of at least $10,000.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage contract with CCC.

(6) Maintain complete inventory and operating records.

(c)(1) The warehouseman, his officials, or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to the commodities involved to enable them to provide proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operations shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequate to handle, store, and preserve the processed commodities involved.

(2) Be under the control of the contracting warehousman at all times.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have available at the warehouse adequate and operable firefighting equipment for the type of warehouse and commodity involved.

(5) Have a work force and equipment available to complete loadout within forty-five (45) working days of the total quantity of all processed commodities stored for CCC. Pier facilities must have adequate loadout equipment and loadout capacity, as determined by CCC, to perform required services.

§ 1423.3 [Reserved]

§ 1423.4 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage or handling of the commodities involved and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1423.5 Exceptions.

Notwithstanding any other provisions of this subpart:

(a) The financial, bond, and original and periodic warehouse examination provisions of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of processed commodities if his warehouse is licensed under the U.S. Warehouse Act for such commodities, but a special examination shall be made of such warehouse whenever such action is determined necessary.

(b) A Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1423.2(b) (1), (3), and (4), (c)(1), and (d), and the warehouseman will not be required to furnish bond coverage for a deficiency in net worth.

(c) A warehouseman who has a net worth of at least $10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the commodity involved, and

(2) The warehouseman furnishes such bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as may be prescribed by CCC.

§ 1423.6 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of his responsibility to perform his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage contract expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the CCC storage contract.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1423.2(a), CCC will approve, or reinstate the approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for suspension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c)(1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1423.2, other than the standard in paragraph (a) thereof, the warehouseman may at any time after receiving notice of such action request reconsideration of the action and present to the Director of the Prairie Village Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, forms of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the ASCS regulations governing appeals, Part 780 of this title. In connection with such regulations the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1423.2 (a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, Part 1407 of this chapter. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1423.7 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart, and no reasonable and economical alternative is available for securing such services, the President or Executive Vice President, CCC, may ex-

empt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC.

Effective date. This revision is effective on February 5, 1976. Warehousemen approved under prior regulations are not required to submit new applications for approval under this revision, but are subject to the provisions of this subpart for continued approval to handle and store the commodities involved.

Signed at Washington, D.C. on February 5, 1976.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-4054 Filed 2-10-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Modification of Semiannual Statements Pursuant to State Law

This interpretation relates to situations in which a State adopts as law provisions identical to the Fair Credit Billing Amendments to Regulation Z published by the Board on September 19, 1975 (40 FR 43199). The interpretation provides that in such cases it is permissible for creditors to alter or modify the statements prescribed in §§ 226.7(a)(9) and 226.7(d)(5) to provide a reference to the State's law and that a State law requiring or allowing such a modification is not inconsistent with the Act or Regulation Z as contemplated in § 226.6(b). The interpretation also sets out the manner in which such a reference must be made.

Section 226.606 is added to read as follows:

§ 226.606 Modification of semiannual statements pursuant to State law.

(a) Sections 226.7(a)(9) and 226.7(d)(5) prescribe statements regarding customers' rights and creditors' responsibilities under certain sections of the Regulation. These statements contain specific references to the "Federal Truth in Lending Act," "Federal Fair Credit Billing Act," and the "Act."

(b) Certain States have adopted, or intend to adopt, regulations or statutes identical to the amendments to Regulation Z adopted by the Board on September 15, 1975, for the purpose of implementing the Fair Credit Billing Act. The question has arisen whether the statements prescribed by §§ 226.7(a)(9) and 226.7(d)(5) may be modified under these circumstances to include a reference to the State law immediately following the relevant reference to the Federal law, or whether separate statements are required under both the State law and Federal laws.

(c) In the circumstances described above, it is permissible for a creditor to modify the statements prescribed by §§ 226.7(a)(9) and 226.7(d)(5) in the form of a reference to the relevant State law by name. Such a disclosure, if made immediately following the relevant reference to the titled Federal law in substantially the following manner: "and the [insert the name of the State and the State law involved]," is permissible under Regulation Z and any State law requiring such a disclosure is not inconsistent with the Act or Regulation within the meaning of § 226.6(b). It is similarly permissible to substitute "these Acts" for the words "the Act" where it appears in the statement required by § 226.7(a)(9).

(Interprets and applies 12 CFR 226.6 and 226.7.)

By order of the Board of Governors, January 30, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-3946 Filed 2-10-76;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Timing and Modification of Semiannual Statements

Creditors are required by the Fair Credit Billing Act to disclose to their customers their rights and the creditor's responsibilities under the Act. The Board in implementing the Act provided a comprehensive semiannual statement for this purpose and also provided for an alternate shorter statement which would be sent with each periodic billing statement. Several questions have arisen with regard to these requirements. This interpretation provides:

1. That the first semiannual statements (or shorter statement alternatives) must be mailed or delivered not later than seven months after October 28, 1975.

2. A method for determining when to mail or deliver such statements when a creditor switches from one optional statement to the other.

3. That the shorter statement alternative may be modified to omit any portions inapplicable to the credit plan for which it is sent and to change references in the statement to read "bank," "company," or the creditor's name.

Section 226.708 is added to read as follows:

§ 226.708 Timing and modification of semiannual statements.

(a) Sections 226.7(d)(1) through 226.7(d)(4) set out the method by which the statement required by § 226.7(a)(9) is to be provided to customers on a semiannual basis. Section 226.7(d)(5) provides for a shorter statement which, as an alternative to the provisions of §§ 226.7(d)(1) through 226.7(d)(4), may, under certain conditions, be provided with each periodic statement.

(b) The question has arisen of when the first statement, either the longer statement required by § 226.7(a)(9) or the alternate shorter statement under § 226.7(d)(5), must be provided under § 226.7(d). Creditors must mail or deliver one or the other of these statements, pursuant to § 226.7(d), not later than seven months after October 28, 1975. In determining when to send the first statement pursuant to § 226.7(d), the initial statements prescribed by § 226.7(a)(9) which are sent to customers with accounts in existence on October 28, 1975, pursuant to § 226.7(i), may not be considered a statement sent for purposes of § 226.7(d).

(c) A second question has arisen regarding the timing of disclosures should a creditor change practices and provide the statement under § 226.7(d)(5) instead of the longer statement prescribed in § 226.7(a)(9). The same question has arisen with respect to the opposite case, i.e., when a creditor first makes disclosure under § 226.7(d)(5) and subsequently decides to make disclosure of the statement prescribed by § 226.7(a)(9) semiannually. If a creditor first discloses the § 226.7(a)(9) statement semiannually and subsequently decides to use the § 226.7(d)(5) alternative, the first statement which must be provided pursuant to § 226.7(d)(5) must be mailed or delivered not later than the time that the next § 226.7(a)(9) statement would have been required had no change in the creditor's practice occurred. If a creditor first chooses to make disclosure pursuant to § 226.7(d)(5) and subsequently decides to provide the longer statement prescribed in § 226.7(a)(9) semiannually, the creditor must mail or deliver such longer statement to those customers receiving periodic statements (not later than the mailing or delivery of such periodic statements) pursuant to § 226.7(b) for the billing cycle immediately subsequent to the billing cycle for which the last statements were mailed or delivered pursuant to § 226.7(d)(5). The timing of mailing or delivery of § 226.7(a)(9) statements on a semiannual basis subsequent thereto is to be determined in accordance with §§ 226.7(d)(1), (2), (3), and (4).

(d) A further question has arisen whether a creditor may delete portions of the statement prescribed in § 226.7(d)(5) which are inapplicable to its particular credit plan as in the case of the statement prescribed by § 226.7(a)(9). In line with the general policy of the Truth in Lending Act and Regulation Z which attempt to avoid disclosures which might be confusing to consumers, any portions of the § 226.7(d)(5) statement which are inapplicable to a credit plan may be deleted from the § 226.7(d)(5) statement by the creditor of that plan.

(e) The question has also arisen whether references to the "creditor" in the statement prescribed by § 226.7(d)(5) may be altered or modified as is permitted with regard to the statement prescribed by § 226.7(a)(9). Such alteration or modification is permissible; wherever

the word "creditor" appears or is referred to in the statement prescribed by § 226.7(d)(5), the creditor may substitute appropriate references, such as "company," "bank," "we" or a specific name.

(Interprets and applies 12 CFR 226.7.)

By order of the Board of Governors, January 30, 1976.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.76-3947 Filed 2-10-76;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 76-73]

PART 523—MEMBERS OF BANKS

Liquidity

FEBRUARY 4, 1976.

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of increasing the overall liquidity requirement of each Federal Home Loan Bank member from 6½ percent to 7 percent of its liquidity base and of increasing each member's short-term liquidity requirement from 2½ percent to 3 percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective March 1, 1976.

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 7 percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 3 percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

Since members' recent reports to the Board show a substantial increase in cash flow, making funds more available for lending and for other purposes, the Board determines that it is prudent to increase members' liquidity requirements without the delay that would result if notice and public procedure were provided with respect to this amendment. Therefore, the Board hereby finds that notice and public procedure as to this amendment are impracticable and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of this amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of this amendment would in the opinion of the Board likewise be impracticable and contrary to the public interest for the same reason, the Board hereby provides that this amendment shall become effective as hereinbefore set forth.

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.76-4038 Filed 2-10-76;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 76-76]

PART 545—OPERATIONS

Lending Regulations

SUMMARY

FEBRUARY 4, 1976.

I. *Effect of regulations before clarification.* New associations (insured less than 2 years) apparently precluded from investment in nonconforming and certain unsecured loans due to absence of net-worth requirements for such associations under § 563.13.

II. *Clarification.* New associations may invest in such loans if said associations meet the net-worth requirements of associations insured for 2 years.

The Federal Home Loan Bank Board considers it desirable to clarify §§ 545.6-26 and 545.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-26 and 545.8) with regard to investment in nonconforming secured loans and certain unsecured loans by newly-insured Federal associations.

Under § 545.6-26 and paragraph (c) of § 545.8, adopted by the Board on June 11, 1975 (Resolution No. 75-514; 40 F.R. 25665-25669), a Federal association chartered less than 20 years ago, with net worth of less than 5 percent of its savings accounts, may invest up to 2 percent of its assets in nonconforming secured loans or certain types of unsecured loans if its net worth meets the requirements of paragraph (b) of § 563.13 of the rules and regulations for Insurance of Accounts (12 CFR 563.13). Said § 563.13(b) provides a method of net-worth calculation based in part upon a table of savings-account-balance percentages of less than 5 percent (set forth in paragraph (a) of § 563.13) applicable to associations having attained, at a minimum, their second anniversary of insurance of accounts by the Federal Savings and Loan Insurance Corporation. (Additional investment under §§ 545.6-26 and 545.8(c), graduated up to 5 percent of assets, is authorized for Federal associations with net worth greater than 5 percent of savings.) There is no net-worth requirement under § 563.13 for associations which have been insured less than two years, to provide an initial "grace" period during which net worth may be accumulated.

In setting forth restrictions pertaining to investment under §§ 545.6-26 and 545.8(c), the Board applied the net-worth requirements of § 563.13(b), rather than setting a flat requirement of 5 percent of savings, in order to allow newer associations to participate to a limited extent in the new higher-risk investment categories. It was not intended, however, that very new associations (insured less than 2 years) be allowed to invest up to 2 percent of their assets in these higher-risk loans merely because they are not subject to net-worth requirements; the effect of the regulations, reasonably construed, was to preclude such associations from such investment. However, the Board does not wish to eliminate the possibility of a new association making such loans merely because it does not have a net-worth requirement when it does in fact meet the 2-year net-worth requirement of § 563.13(b).

The Board therefore considers it desirable to clarify §§ 545.6-26(a) and 545.8(c)(1)(iii) to provide that Federal associations insured less than 2 years which invest in non-conforming secured loans and certain unsecured loans must meet the net-worth requirements of associations which have been insured for 2 years. In addition, the Board takes this opportunity to make two technical changes to the first sentence of § 545.8 (a), (1) to remove an unnecessary clause and delete an absolete reference to § 545.6-10 at the beginning of that sentence, and (2) to change the phrase "this section" to read "this paragraph (a)".

Accordingly, the Board hereby amends Part 545 by revising §§ 545.6-26(a) and 545.8 (a) and (c)(1)(iii) thereof, to read as set forth below, effective February 11, 1976.

Since these amendments are interpretive and technical, the Board hereby finds that notice and public procedure with respect thereto are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b), and a 30-day delay of effective date is also unnecessary under the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d).

1. Part 545 is amended by revising the preamble of paragraph (a) of § 545.6-26 thereof, to read as follows:

§ 545.6-26 Non-conforming secured loans.

(a) Any Federal association with scheduled items (other than assets acquired in a merger instituted for supervisory reasons) not in excess of 2.5 percent of specified assets, except as provided in paragraph (e) of this section, and with net worth in conformance with the requirements of § 563.13(b) of this chapter (associations insured for less than 2 years must meet the net-worth requirements for those insured for 2 years), may invest an amount not in excess of 2 percent of its assets in loans,

advances of credit, and interests therein, secured by residential real property, which are not otherwise authorized under this part because of the following reasons:

* * * * *

2. Part 545 is amended by revising the preamble of paragraph (a) and revising subdivision (c)(1)(iii) of § 545.8 thereof, to read as follows:

§ 545.8 Loans without requirement of security.

(a) Any Fedreal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association that has a charter in the form of Charter K (rev.) or Charter N may, upon adoption of such a loan plan by its board of directors, invest in loans of the following types, but no investment shall be made under this paragraph (a) if immediately after such investment the outstanding aggregate of all investments of the association made under this section would exceed 20 percent of the association's assets:

* * * * *

(c)(1) In addition to loans in which an investment may be made under paragraph (a) of this section, any Federal association

* * * * *

(iii) whose net worth meets the requirements of § 563.13(b) of this chapter (associations insured for less than 2 years must meet the net-worth requirements for those insured for 2 years) may, upon adoption of such a loan plan by its board of directors, invest an amount not in excess of 2 percent of the association's assets in loans directly for constructing, adding to, improving, altering, repairing, equipping, or furnishing what is or is expected to become residential real property, where the association relies substantially for repayment on the borrower's general credit standing and forecast of income, with or without other security, or the association relies on other assurances for repayment (including a third-party guaranty or similar obligations). In addition, such association may make further investments in such loans equal to one percent (or fraction thereof) of assets for each percentage point (or fraction thereof) of net worth in excess of the greater of (*a*) 5 percent of withdrawable accounts or (*b*) net worth as required under § 563.13(b), but such further investment shall not cause a total investment in excess of 5 percent of assets in such loans.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. § 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.76-4037 Filed 2-10-76;8:45 am]

[No. 76-83]

PART 556—STATEMENTS OF POLICY

Locating Branch Offices and Mobile Facilities in Rural Areas

FEBRUARY 4, 1976.

Summary. The following summary of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions in the regulations.

I. *Regulations prior to this resolution.* Applications to establish or maintain branch offices or mobile facilities to be located in an urban area or in a rural area were subject to the same regulatory provisions. The restriction against locating such offices or facilities more than 100 miles from an applicant's home office (with certain regulatory exceptions) applied equally to all such applications.

II. *Proposed amendments.* The Board proposed the following:

A. To make an exception from the 100-mile limitation for applications to establish or maintain branch offices or mobile facilities in certain rural areas.

B. To clarify that the Principal Supervisory Agents may make the findings of facts which trigger exceptions to the 100-mile limitation.

C. To clarify the Statement of Policy as to an application for permission to establish or maintain a branch office or mobile facility exactly 100 miles from the applicant's home office.

III. *Final Regulations.* Same as the proposed amendments (Item II, above).

IV. *Reason for these amendments.* To give the Board more flexibility regarding applications to establish branch offices or mobile facilities in certain rural areas.

The Federal Home Loan Bank Board, by Resolution No. 75-1032, dated November 14, 1975, proposed to amend § 556.5 (b)(3) of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5(b)(3)) for the purposes stated in Item II of the Summary of this Resolution. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on November 25, 1975 (40 FR 54264) with an invitation for interested persons to submit written comments by December 23, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said § 556.5(b)(3) by (1) deleting from the first sentence thereof the phrase "within 100 miles of" and substituting therefor the phrase "not more than 100 miles from", (2) deleting from the second sentence thereof the phrase "if the Board determines that" and substituting therefor the phrase "if the Board or its Principal Supervisory Agent, as defined in § 545.14(a)(3)(i) of this chapter (12 CFR 545.14(a)(3)(i)), determines that", and (3) adding a new subdivision (*d*) to read as set forth below, effective March 12, 1976.

The exception to the 100-mile limitation made by this Resolution does not relieve an applicant for a branch office or mobile facility from the requirements of § 545.14(c) of this chapter (12 CFR 545.14(c)), i.e. the applicant must furnish information to show: "(1) There will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions."

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.* * * *

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or mobile facility only when the proposed branch office or mobile facility is to be located not more than 100 miles from the association's home office unless (i) the association's home office is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed in § 545.6-6 of this chapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in a State without regard to the 100-mile geographical limitation contained in the preceding sentence if the Board or its Principal Supervisory Agent, as defined in § 545.14(a)(3)(i) of this chapter, determines that:

* * * * *

(*d*) Such branch office or mobile facility is to be located in a county (or similar political subdivision) which is primarily rural in character and which is presently served by 3 or less savings and loan associations having home or branch offices or mobile facilities in such county. For this purpose, a county will not be determined to be primarily rural in character if it is part of a Standard Metropolitan Statistical Area.

* * * *

(Sec. 5, 48 Stat., 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.76-4039 Filed 2-10-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SO-129]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

Correction

In FR Doc. 76-2939 appearing at page 4812 in the issue for Monday, February 2, 1976, on page 4813, the first column, under the heading "R-5309C Solid Shield 76", the third line which presently reads "N. Long. 78°03'00'' W.; to Lat. 35° 10'00'' N.," should read "N., Long. 78° 08'00'' W.; to Lat. 35°10'00'' N.,".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2778]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Parker Advertising, Inc.

Subpart—Advertising falsely or misleading: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.135 Nature of product or service; § 13.175 Quality of product or service; § 13.195 Safety; 13.195-60 Product; § 13.205 Scientific or other relevant facts. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1685 Nature; § 13.1715 Quality; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Parker Advertising, Inc., a corporation

Consent order requiring a Palos Verdes, Peninsula, Calif., advertising agency, among other things to cease representing that any automobile tire has any safety or performance characteristic or is superior in quality or performance to other tires; and making any generalized safety claims, such as "security." Further, respondent is required to have a "reasonable basis" in substantiation of claims regarding the safety or performance characteristics of any automobile product.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered,* That respondent Parker Advertising, Inc., a corporation, its successors and assigns, officers, representatives, agents, employees, directly through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any automobile tire has any safety or performance characteristic or is superior in quality or performance to other tires, either overall or with respect to any such characteristic, unless at the time such representation is first disseminated respondent has a reasonable basis for such representation based on competent scientific tests in the possession of respondent or its client, and respondent has relied upon such tests. Provided, furthermore, that with respect to any representation concerning the safety of automobile tires which representation is not expressly limited to a specific safety characteristic(s), the basis for such a representation shall include, at the minimum, tests for the following characteristics: (a) Stopping; (b) cornering; (c) puncture protection; and (d) high speed performance.

2. Failing to maintain in conjunction Paragraph One of this Order, all test results, data, and information which come into its possession and which constitute a basis for said representation, all of which shall be available in written form for inspection, upon reasonable notice, for at least three years following the final use of the representation.

3. Making any representation, directly or by implication, regarding the safety or performance characteristics of any automotive product, unless at the time such representation is first disseminated respondent has a reasonable basis for such representation in the possession of respondent or its client, and respondent has relied upon such basis: *Provided, however,* That with respect to automobile tires, the only reasonable basis for such a representation shall be competent scientific tests as specified in Paragraph One of this Order.

4. Failing to provide for the maintenance of, in conjunction with Paragraph Three of this Order, all test results, data, and information which come into its possession and which constitute a basis for said representation, all of which shall be available in written form for inspection, upon reasonable notice, for at least three years following the final use of the representation.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

II. *It is further ordered,* That for the purpose of Paragraph One of Part I of this order:

1. A claim of "security" shall be construed as a safety claim in connection with automobile tires.

2. A representation as to the quality or performance characteristics of any automobile tire implies that it is superior in quality or performance to any other automobile tire or all other automobile tires if it is phrased in the comparative or superlative degree, or if any advertising contained such representation conveys a net impression of comparative superiority.

III. *It is further ordered,* That respondent Parker Advertising, Inc., shall forthwith deliver a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation that may affect the compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

The Decision and Order was issued by the Commission January 12, 1976.

CHARLES A. TOBIN, *Secretary.*

[FR Doc.76-3951 Filed 2-10-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Oxytetracycline Hydrochloride Injection

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-402V) filed by Rachelle Laboratories, Inc., 700 Henry Ford Ave., P.O. Box 2029, Long Beach, CA 90801, proposing the safe and effective use of oxytetracycline hydrochloride injection in the treatment of certain diseases due to oxytetracycline-susceptible organisms in beef cattle and nonlactating dairy cattle. The application is approved, effective February 11, 1976.

The Commissioner is amending § 522.1662a(c) (21 CFR 522.1662a(c)) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The

summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 522 is amended in § 522.1662a by revising paragraphs (c)(1) and (3)(ii) to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

* * * * *

(c)(1) *Specifications.* The drug contains 50 or 100 milligrams of oxytetracycline hydrochloride in each milliliter of sterile solution.

* * * * *

(3) * * *

(ii) It is administered to cattle at a dosage level of 3 to 5 milligrams per pound of body weight per day. It may be administered instramuscularly or intravenously from a 50 milligram per milliliter solution. It is administered intravenously from a 100 milligram per milliliter solution. Severe foot rot and the severe forms of the indicated diseases should be treated with 5 milligrams per pound of body weight. Treatment should be continued 24 to 48 hours following remission of disease symptoms, however, not to exceed a total of 4 consecutive days. If no improvement is noted within 24 hours, consult a veterinarian. When injecting the drug intramuscularly, do not inject more than 10 milliliters per site in adult cattle. Reduce the amount injected at each site according to the size of the animal. For very small calves do not use more than 2 milliliters per injection site.

* * * * *

Effective date. This amendment shall become effective February 11, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 3, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-3960 Filed 2-10-76;8:45 am]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Iron Dextran Complex Injection; Change of Sponsor

The Food and Drug Administration has evaluated a supplemental new animal drug application (10-793V) filed by Burns-Biotec Laboratories Div., Chromalloy Pharmaceutricals, Inc., 7711 Oakport St., Oakland, CA 94621, proposing a change of sponsor for the application from Armour Pharmaceutical Co., and proposing safe and effective use of iron dextran complex injection in pigs. The application is approved, effective February 11, 1976.

The Commissioner of Food and Drugs is amending Part 522 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), § 522.1182 is amended by adding new paragraphs (b)(3) and (c)(5) and (6) as follows:

§ 522.1182 Iron dextran complex injection.

* * * * *

(b) * * *

(3) See No. 000845 in § 510.600(c) of this chapter for the sponsor of usages provided by paragraph (c)(5) and (6) of this section.

(c) * * *

(5) For the prevention of iron deficiency anemia, administer intramuscularly in amount of drug containing 100 to 150 milligrams of elemental iron to pigs from 1 to 3 days of age.

(6) For the treatment of iron deficiency anemia, administer intramuscularly an amount of drug containing 100 to 200 milligrams of elemental iron per pig. Dosage may be repeated in 10 days to 2 weeks.

Effective date. This regulation shall be effective February 11, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 3, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-3961 Filed 2-11-76;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin, Sulfamethazine

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-767V), filed by Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, proposing safe and effective use of a tylosin and sulfamethazine premix for the manufacture of swine feed. The application is approved, effective February 11, 1976.

The Commissioner is amending § 558.630 (21 CFR 558.630) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.630 by adding paragraph (b)(5) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

* * * * *

(b) * * *

(5) To 017800: 40 grams per pound each, paragraph (f)(2)(ii) of this section.

* * * * *

Effective date. This regulation shall be effective February 11, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 3, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-3962 Filed 2-10-76;8:45 am]

[FRL 488-5; FAP5H5092/T8]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Propargite

On August 1, 1975, the Environmental Protection Agency (EPA) announced (40 FR 32377) that Uniroyal Chemical Division, Uniroyal Inc., 74 Amity Rd., Bethany CT 06525, had filed a food additive petition (FAP 5H5092). This petition proposed that 21 CFR 561 be amended to permit the experimental use of the miticide propargite [2-(p-tert-butylphenoxy) cyclohexyl - 2 - propynyl sulfite] on growing sugar beets with a tolerance of 3 parts per million in dried sugar beet pulp in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The scientific data provided in the petition have been evaluated. Because residues of the miticide will result in dried sugar beet pulp from the uses as provided for by the experimental use permit issued under FIFRA, it has been determined that the tolerance requested by the petitioner will protect the public health, and that 21 CFR 561.330 should be amended, therefore, by the establishment of the requested tolerance. These actions by the Agency will permit Uniroyal Chemical to:

1. Evaluate the efficacy of the miticide.

2. Market the dried sugar beet pulp produced from sugar beets which have been treated with propargite.

Any person adversely affected by this regulation may, on or before March 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on February 11, 1976, § 561.330 is amended as set forth below.

Dated: February 6, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 409(c)(1) & (4), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(c)(1) & (4))

Section 561.330 is amended by establishing a tolerance of 3 parts per million in dried sugar beet pulp to read as follows:

§ 561.330 Propargite.

* * * * *

A tolerance of 3 parts per million is established in dried sugar beet pulp resulting from the application of the miticide to growing sugar beets. Such residues may be present therein only as a result of application of the miticide in an experimental use program which expires February 6, 1977. Residues not in excess of this tolerance remaining after expiration of this experimental use program will not be considered actionable if the miticide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and feed additive tolerance.

* * * * *

[FR Doc.76-4060 Filed 2-10-76;8:45 am]

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

Part 203 of 22 CFR is revised to read as follows:

Title 22, Chapter II, Part 203 has been revised to clarify the purpose and function of registration, the conditions of registration and the circumstances under which certificates of registration will be issued.

Sec.
203.1 Purpose and function.
203.2 Application for registration.
203.3 Conditions of registration.
203.4 Certificates of registration.
203.5 Approval of programs, projects and services.
203.6 Termination of registration.
203.7 Access to records.
203.8 Waiver authority.

AUTHORITY: The provisions of this Part 203 issued under Sec. 621, 75 Stat. 424, as amended: 22 U.S.C. 2381; E.O. 10973, 30 FR, 1959-63 Comp.

§ 203.1 Purpose and function.

To further public interest in the field of voluntary foreign aid and the activities, other than religious, of private voluntary organizations engaged in that field, the Advisory Committee on Voluntary Foreign Aid (referred to in this part as the Committee) is authorized and directed to establish and to maintain, pursuant to the rules set forth in this part, a register of such nongovernmental organizations qualified for and voluntarily accepting registration. The purpose of such registration is to enable the Committee (a) to facilitate cooperation between the Agency for International Development (referred to in this part as A.I.D.) and other agencies of government and private voluntary agencies in the field of foreign aid, (b) to determine which private voluntary organizations are eligible to seek authorized United States Government subventions, (c) to provide information on the identity, the types of activities conducted by and the financial condition of registrants, and (d) to provide advice and perform such other functions as may be necessary in furtherance of the purposes set forth in this section.

§ 203.2 Application for registration.

Any U.S. private, nonprofit organization engaging in voluntary aid operations in areas outside the United States, including, but not limited to, services of relief, rehabilitation, disaster assistance, development assistance, and welfare, in the fields of health, education, population planning, nutrition, agriculture, industry, refugee services, emigration, and resettlement, may voluntarily make application for registration to the Chairman, Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523. Any organization registered under this part shall be referred to in this part as a registrant.

§ 203.3 Conditions of registration.

(a) Each applicant for registration shall submit evidence by its charter, articles of incorporation, constitution, bylaws, audit by a Certified Public Accountant, other relevant documents, and such statements as may be required by the Committee supportive of the assertion that:

(1) It maintains its principal place of business in the United States, at which shall be maintained books and records covering its operations;

(2) It is controlled by an active and responsible body whose members serve without compensation for such service, who are principally U.S. citizens, who have accepted the responsibility to carry out the activities of the agency to be reported to the Committee, and who will exercise satisfactory controls to assure that its services and resources are administered competently for charitable purposes, and that paid officers or staff members will not constitute a majority in any decisions of the voting members of such body;

(3) It has been authorized by the Internal Revenue Service to inform donors that their contributions may be deducted for Federal income, estate, and gift tax purposes;

(4) Its overseas activities or enterprises are consistent with the purposes and objectives as set forth in the articles of incorporation and included in the application, or in any subsequent modification of programs, projects, or services to be filed with the Committee;

(5) It will obtain, expand, and distribute its funds and resources in conformity with accepted ethical standards, without unreasonable cost for promotion, publicity, fund raising, and administration at home and abroad.

(b) Each registrant shall submit such current and periodic reports and information in such forms as the Committee may require from time to time pertaining to the registrant's organization, programs, projects, and finances, including audits by a certified public accountant, and other pertinent evidence of its activities, in order that the Committee may reassure itself of the continuing validity of the registration. Each registrant shall give prompt written notice to the Committee of material changes in its organization, purposes, governing personnel, or overseas program activities.

§ 203.4 Certificates of registration.

Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in paragraph (a) of § 203.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the U.S. Government, and otherwise are deemed to serve charitable purposes. Such certificates may be withheld, at the discretion of the Committee, in the absence of a satisfactory showing by the applicant that its financial resources and demonstrated management capability are of sufficient substance to enable it to perform the services it proposes. Notice of issuance of certificates will be published in the FEDERAL REGISTER.

§ 203.5 Approval of programs, projects, and services.

(a) In applying for authorized subventions in furtherance of the purposes and objectives of their organizations, registrants shall submit applications provided by the Committee or otherwise as may be required:

(1) Detailing specific country programs, projects, or services of relief, rehabilitation, disaster assistance, development assistance, and welfare, in the fields of health, education, population planning, nutrition, agriculture, industry, emigration, refugee services and resettlement.

(2) Except as provided for in (b) of this section, supplying evidence that:

(i) Satisfactory assurances have been obtained from the government of the

country in question that appropriate facilities are or will be afforded for the necessary and economical operations of the program, project, or service including:

(A) Acceptance of the specific program, project or service;

(B) The supplies approved in support of the program, project, or service are free of customs duties, other duties, tolls and taxes;

(C) Treatment of supplies as a supplementary resource;

(D) The identification of the supplies, to the extent practicable, as to their United States origin; and

(E) Insofar as practicable the cost-free reception, unloading, warehousing, and transport of the supplies to points of distribution.

(3) Supplying evidence that:

(i) Shipments will be made only to consignees reported to the Committee and full responsibility is assumed by the registrant for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them, or, in special cases and following notice to the Committee for sale to recipients at nominal cost or as payment for work performed to promote projects of self-help and economic development, but in no case shall supplies be withheld from needy persons because of their inability to pay or work; and

(ii) Distribution is made solely on the basis of need without regard to race, color, religion, sex, or national origin;

(iii) That (3) (i) and (ii) of this section are conducted under the supervision of a resident U.S. citizen specifically charged with responsibility for the program or project, or by non-U.S. citizens upon justification to and approval by the Committee upon consultation with the offices having operational responsibility within A.I.D.

(b) Compliance with (a) (2) (i) of this section is not required when the specific program, project, or service is within the scope of any agreement that has been concluded between the U.S. Government and the government of the country of interest in furtherance of the operations of registrants acceptable to such governments.

(c) On approval of such applications written notice thereof will be issued by the Committee as a supplement to certificates of registration.

§ 203.6 Termination of registration.

(a) Registration shall remain in force until:

(1) Relinquished voluntarily by the registrant upon written notice to the Committee, or

(2) Terminated by the Committee for failure of the registrant to fulfill and maintain the conditions of registration.

(b) Termination proceedings pursuant to paragraph (a)(2) of this section shall include prior written notice to the registrant of the grounds for the proposed termination and opportunity for it to show cause why its registration should not be terminated.

(c) A formal notice of termination of registration shall be published in the FEDERAL REGISTER.

§ 203.7 Access to records.

All records, reports and other documents which are made available to or prepared for or by the Committee pursuant to this Part 203 shall be made available for public inspection and copying pursuant to and under the procedures established by the public information regulation (22 CFR 212) of the Agency for International Development.

§ 203.8 Waiver authority.

(a) The Committee may waive at any time any or all of the provisions of this Part 203 if the Committee determines it is in the public interest so to do.

(b) The Administrator of the Agency for International Development may waive, withdraw, or amend from time to time any or all of the provisions of the regulations in this part.

Effective date. These regulations are effective January 30, 1976.

Dated: January 30, 1976.

DANIEL PARKER,
Administrator.

[FR Doc.76-3995 Filed 2-10-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

(Docket No. FI-678)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Northampton County, Virginia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for Northampton County, Virginia under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the county must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the County Administrator's office, Eastville, Virginia 23347.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation—feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (ft)	
			Right	Left
Wassawadox Creek (Chesapeake Bay)	Route 606	8	250	1,000
Warehouse Creek (Chesapeake Bay)	Route 618	8	50	200
Hungars Creek (Chesapeake Bay)	Route 622	8	350	350
Cob Mill Creek (Chesapeake Bay)	Route 600	8	500	50
Wescott Cove (Chesapeake Bay)	Route 602	8	450	200
Cherrystone Inlet (Chesapeake Bay)	Route 639	8		3,200
Do	Savage Neck Rd. (route 634).	8	9,200	
Do	Route 668	8		2,400
Oyster Slip (Atlantic Ocean)	Route 639	9	1,600	
Magothy Bay (Atlantic Ocean)	Route 646	9	1,250	
Red Bank Creek (Atlantic Ocean)	Route 617	9		2,200
Boxtree Creek (Atlantic Ocean)	Route 627	9		2,400

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-3981 Filed 2-10-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T. D. 7403]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of Returns by Committees of Congress Other Than Those Enumerated in Section 6103(d)

In order to clarify the authority of the President by Executive order to modify or waive in a particular instance or instances certain conditions and restrictions imposed by rules and regulations upon inspection of returns by committees of Congress other than those enumerated in section 6103(d) of the Internal Revenue Code of 1954, the regulations on procedure and administration (26 CFR Part 301) under section 6103 of such Code are amended as follows:

Section 301.6103(a)-101 is amended by revising (a) to read as follows:

§ 301.6103(a)-101 Inspection of returns by committees of Congress other than those enumerated in section 6103(d).

(a) Pursuant to the provisions of section 6103(a), any return with respect to income, estate, or gift tax imposed by the Code shall be open to inspection by any committee of the Congress, or any subcommittee of a committee of the Congress, specially authorized to inspect such returns by an Executive order issued under the aforementioned statutory provisions. Such inspection shall be subject to the conditions and restrictions imposed by the Executive order and, unless otherwise provided by such Executive order, the rules and regulations hereinafter prescribed.

* * * * *

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

RICHARD R. ALBRECHT,
The General Counsel of the Treasury.

Approved:

GERALD R. FORD

THE WHITE HOUSE

JANUARY 22, 1976.

[FR Doc.76-4040 Filed 2-6-76;4:02 pm]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-24]

PART 194—LIQUOR DEALERS

Adjusted Rate of Interest

Correction

In FR Doc. 76-3410 appearing on page 5103 in the issue for Wednesday, February 4, 1976, make the following changes:

1. In the third column, the second complete paragraph, the first line which presently reads "(3) The 7 percent rate would be as—" should read (2) The 9 percent rate would be as—".

2. In the same column, the third complete paragraph, the first line which presently reads "(2) The 9 percent rate would be as—" should read "(3) The 7 percent rate would be as—".

Title 32—National Defense

CHAPTER XX—INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

PART 2000—ADMINISTRATIVE PROCEDURES

Submission of Reports and Appeals Procedures

The Interagency Classification Review Committee (ICRC) has decided to revise Chapter XX, Part 2000 of its Rules and Regulations to prescribe procedures for the submission of reports.

Pursuant to section 7 of Executive Order 11652, "Classification and Declassification of National Security Information and Material" (37 FR 5209, March 10, 1972), the Committee was established by the National Security Council Directive Governing Classification, Downgrading, Declassification and Safeguarding of National Security Information (37 FR 10053, May 19, 1972), which both became effective on June 1, 1972. The Committee is composed of a Chairman designated by the President, the Archivist of the United States, and one senior representative from each of the Departments of State, Defense, and Justice, the Energy Research and Development Agency, the Central Intelligence Agency and the National Security Council staff. Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments, but shall have no vote. The Committee meets regularly at a time and place designated by the Chairman. In the absence or incapacity of the Chairman, an Acting Chairman chosen by the Committee acts as Chairman for all purposes. A quorum of seven members, or their designated alternates, is required to consider or act on appeals to the Committee. Committee decisions in favor of declassification, in whole or in part, of information or material determined by the Departmental Committee to require continued classification requires a majority vote of the members or their alternates present. In the absence of a majority vote, the determination of the Departmental Committee shall stand.

Part 2000 is revised to read as follows:

Subpart A—General

Sec.
2000.1 Purpose.
2000.2 Scope.
2000.3 Jurisdiction.

Subpart B—National Security Information or Material Reports

2010.1 Original classification Authorities.
2010.2 Classification abuses.
2010.3 Unauthorized disclosures.
2010.4 Mandatory declassification review actions.
2010.5 Annual review lists.
2010.6 Annual declassification list.
2010.7 Quarterly summary.
2010.8 Listing of national security material requiring protection beyond 30 years.

Subpart C—Appeals Procedures

2020.1 Notice of an appeal.
2020.2 Exhaustion of other remedies.
2020.3 Acceptance of appeal.
2020.4 Consideration of appeal.
2020.5 ICRC review.
2020.6 Decision.

Subpart D—Forms

2030.1 Scope of Part.
2030.2 Standard Forms.

AUTHORITY: Sec. 7 Executive Order 11652 unless otherwise noted.

Subpart A—General

§ 2000.1 Purpose.

The purpose of this regulation is to prescribe—

(a) The jurisdiction and appeals procedures of the Interagency Classification Review Committee (ICRC); and

(b) Procedures and reports for quarterly, annual and special reporting by Departments to the ICRC.

§ 2000.2 Scope.

This regulation applies to all offices of the Executive Branch and Federal Departments which are authorized to originate classified material.

§ 2000.3 Jurisdiction.

The ICRC is authorized to—

(a) Ensure compliance with the provisions of Executive Order 11652, and implementing directives issued by the President through the National Security Council;

(b) Receive, consider, and take action on suggestions and complaints from persons within or without the Government with respect to the administration of the order; and

(c) Consider and act on appeals from a determination by a Departmental Committee or the Archivist of the United States that information or material classified by action taken pursuant to

Executive Order 11652, or its predecessor orders, requires continued classification under section 5 of Executive Order 11652.

Subpart B—National Security Information or Material Reports

§ 2010.1 Original classification authorities.

(a) The number of officials who have been designated as original Top Secret, Secret, and Confidential classification authorities pursuant to sections 2(A) and 2(B) of Executive Order 11652, as amended, must be reported to the ICRC quarterly by using Standard Form 244.

(b) The report must—

(1) Be typed and submitted in triplicate;

(2) Not contain any classified information; and

(3) Be Submitted no later than 30 calendar days after the end of each calendar quarter.

(c) Paragraph (a) of this section does not dispense with the provisions of section ID of the National Security Council Directive requiring a list of authorized classifiers to be maintained by each Department. The requirements of section XC of the NSC directive pertaining to the quarterly submission of lists of authorized classifiers shall be deemed satisfied upon the receipt of the SF 244, provided the Department is capable of providing prompt access to the current lists upon the request of the Chairman or the Executive Director.

§ 2010.2 Classification abuses.

(a) A classification abuse means—

(1) An unnecessary classification;

(2) An over or under classification;

(3) A failure to assign the proper downgrading and declassification markings;

(4) An improper application of classification markings;

(5) An improper placing of a document in an exempt declassification category;

(6) A classification exemption action taken without proper authority; and

(7) An improper delegation of classification authority.

(b) A reportable abuse means any of the actions described in paragraph (a) of this section except any such action which results exclusively from a decision on a judgmental factor as to which there exists a reasonable and good faith basis for disagreement.

(c) A reportable abuse which becomes known during the reporting period, including an abuse which is the result of an appropriate Departmental inspection program, must be reported to the ICRC quarterly by using Standard Form 322. Three typewritten copies of SF 322 must be submitted no later than 30 calendar days after the end of each calendar quarter. The report must not contain any classified information.

§ 2010.3 Unauthorized disclosures.

(a) An unauthorized disclosure is a communication or physical transfer of classified information or material to an unauthorized person.

(b) A reportable unauthorized disclosure means the deliberate or inadvertent release of classified information which warrants formal investigation and such investigation confirms that an important disclosure did occur.

(c) Reportable unauthorized disclosures must be reported—

(1) To the ICRC quarterly by using Standard Form 323; and

(2) In triplicate, no later than 30 calendar days after the end of each calendar year quarter.

§ 2010.4 Mandatory declassification review actions.

Summary information concerning all requests and appeals for mandatory declassification review of classified documents over 10 years old must be submitted, in triplicate, on Standard Forms 242 and 243, no later than 30 calendar days after the end of each calendar year quarter. No classified information may be included on these forms.

§ 2010.5 Annual review lists.

(a) An annual Review List of classified material not scheduled for automatic declassification must be submitted for review by the ICRC by April 1st of each year.

(b) The list must cover all documents which are—

(1) Exempt and over 10 years old;

(2) Specify an event for declassification; and

(3) In the Data Index System on or before December 31 of the previous calendar year.

(c) Sorting shall be in the following order: classifier in alphabetical sequence by last name and first name or initial; and classification category in descending order, "T," "S," then "C." The list shall be printed in the following sequence across the page: origin, classifier, classification category title or description, document date, subject, area code, declassification schedule, exemption category (if any), and declassification date. If any titles or descriptions are classified, such list shall carry the highest classification indicated.

§ 2010.6 Annual declassification list.

(a) The Annual Declassification List is a two-part listing of documents declassified on or before December 31 of the previous calendar year, and documents listed in the Annual Review List which, after review, have been determined should be declassified. The Annual Declassification List must be printed by subject and then by area code and must be submitted to the ICRC on September 1st of each year.

(b) The subject list must be printed across the page in the following sequence: subject, originating office, document date, area in unabbreviated form, title or description, and classification category. The area list must be printed in the same sequence across the page except area in abbreviated form shall appear in place of subject as the first item.

§ 2010.7 Quarterly summary.

(a) A quarterly summary must be submitted by each Department, Agency or organizational unit that creates classified records. The report must cover data related to the—

(1) Volume of documents being classified;

(2) Use of declassification schedules;

(3) Efforts to increase public access to declassified information; and

(4) Efforts to improve management of classified material.

(b) Reports must—

(1) Be submitted on Standard Form 324 in triplicate;

(2) Submitted no later than 30 calendar days after the end of each calendar year quarter; and

(3) Not contain any classified information.

§ 2010.8 Listing of national security classified material requiring protection beyond 30 years.

If records need to be exempt from the automatic declassification process and protected beyond 30 years, use Standard Form 325. Submit SF 325 to the Archivist of the United States with a letter substantiating protection beyond 30 years.

Subpart C—Appeals Procedures

§ 2020.1 Notice of an appeal.

(a) Hereinafter the terms "Departmental Committee" and "Department" include the Archivist, where appropriate.

(b) An appeal from a Departmental Committee's denial of a declassification request involving classified documents which are 10 or more years old must be submitted to the Executive Director, Interagency Classification Review Committee, National Archives and Records Service, Washington, D.C. 20408, within 60 days of the date the Departmental Committee's denial of a declassification request is received. The appeal shall include an identification or description of the document or documents for which declassification was requested, and a statement of the Department's action denying the request. Whenever possible, copies of all correspondence to and from the department concerned and a statement of the reasons why the requester's appeal should be granted should also be included.

§ 2020.2 Exhaustion of other remedies.

No appeal will be considered until the requester has exhausted all administrative remedies afforded him by the regulations of the department concerned. However, if the Departmental Committee has not acted at the expiration of 30 days of the date the request is appealed to the Departmental Committee, the requester may apply within 60 days thereafter to the Committee for appropriate relief.

§ 2020.3 Acceptance of appeal.

(a) An appeal of a determination denying a declassification request involving classified documents which are 10 or

more years old, shall be accepted for review by the Committee if, in the discretion of the Committee, the appeal raises substantive issues. The following indicate, but do not limit, the character of reasons for accepting an application for review—

(1) The nature of the documents whose declassification is sought;

(2) The relationship of the documents to other classified documents;

(3) The likelihood of an early public release as a result of declassification; and

(4) Disagreement between departments as to the proper classification of the information involved.

(b) To the extent required for this determination, the Chairman may request the department concerned to furnish copies of the documents, and a summary of their contents or other pertinent information. Requests for declassification which have been denied because the document has not been described with sufficient particularity to enable it to be identified, or because the record cannot be obtained with a reasonable amount of effort, will not be accepted by the Committee, as the denial is based on reasons other than its continuing classification.

(c) The Committee shall have no jurisdiction of appeals involving information classified pursuant to the Atomic Energy Act of 1954, as amended.

§ 2020.4 Consideration of appeal.

The requester will be promptly notified whether his appeal has been accepted for review. The Department from whose decision the appeal has been taken and accepted by the Committee, shall furnish to the ICRC members and staff copies of the following:

(a) All correspondence to and from the requester;

(b) The decision of the Departmental Committee denying the request; and

(c) The classified documents in question and written justification for the denial.

§ 2020.5 ICRC review.

Normally, appeals to the Committee will be considered in the order that they are accepted for appeal. The Committee's review of the record will be in closed session in order to facilitate full inquiry into matters that are still classified. The burden of persuasion is on the Department to show that continued classification is required under the provisions of section 5 of Executive Order 11652. Upon the Committee's determination that the requested material no longer warrants classification in whole or in part, the Chairman shall, in consultation with the affected Department or Departments, assure that appropriate action is taken.

§ 2020.6 Decision.

The requester whose appeal has been accepted shall be notified in writing as to the Committee's decision. Should the appeal be denied in whole or in part, the notification shall include a statement, in unclassified form, explaining the reason for the decision.

Subpart D—Forms

§ 2030.1 Scope of subpart.

This subpart contains the Standard Forms (SF) that are prescribed for mandatory use in connection with the subject matter covered in other parts of Chapter XX.

§ 2030.2 List of forms.

The Standard Forms listed below may be obtained from the nearest General Services Administration (GSA) supply source.

SF 242 "Report of Mandatory Review Appeals to Departmental or Agency Committee"
SF 243 "Report of Mandatory Declassification Review Actions"
SF 244 "Report of Original Classification Authorities"
SF 322 "Report of Classification Abuses"
SF 323 "Report of Unauthorized Disclosures"
SF 324 "Quarterly Summary Report to the ICRC"
SF 325 "Listing of National Security Classified Material Requiring Protection Beyond 30 Years"

Issued in Washington, D.C. on February 6, 1976 and to become effective February 11, 1976.

JAMES B. RHOADS,
Acting Chairman.

[FR Doc.76-3865 Filed 2-10-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean Off Wallops Island; and Chincoteague Inlet, Virginia; Correction

In FR Doc. 76-3144 appearing on page 4918 in the issue for Tuesday, February 3, 1976, the title of the affected Section is incorrectly stated and should read as follows:

§ 204.25 Atlantic Ocean off Delaware Coast; antiaircraft artillery firing area, First U.S. Army. [Revoked]

By authority of the Secretary of the Army.

ROBERT G. FLOWERS,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

FEBRUARY 6, 1976.

[FR Doc.76-3984 Filed 2-10-76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Exemption Applications No. 18, No. 19 and No. 20]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT RATES AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Exemption

Applications for extension of the currently existing exemptions from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereto, for miscellaneous cargoes transported between all ports in the contiguous continental United States (except ports in the Mississippi River System above Baton Rouge, Louisiana) on the one hand and on the other the Arctic Coast of Alaska between Beechey Point, Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean were published in the FEDERAL REGISTER on July 15 and September 8, 1975.

The applicants request that the present exemptions be extended for a three-year period terminating with December 31, 1978.

The effect of such exemptions would be a continuation of authority to provide transportation by barge to the area involved with freedom from tariff filing requirements and regulation with respect to the reasonableness of rates.

A protest was filed by Sea-Land Service, Inc., relative to the granting of the applications. Sea-Land is concerned because it operates a land/water route between Seattle and Prudhoe Bay which may be competitive with the barge route for which exemption is sought. Sea-Land operates under joint through rates (filed with a different regulatory agency) over which this Commission has no effective control. It is not a direct vessel service such as proposed here and the cargo handled by Sea-Land is apparently limited, by the nature of Sea-Land's service, to containerizable cargoes. The barge service involved here is concerned primarily with noncontainerizable cargoes. The requirements of the shippers using the barge transportation appear to be radically different from the requirements of shippers who would choose to use the combination land/water route of Sea-Land. Consequently, we do not think that the competition is significant. Sea-Land has not shown that the proposed exemptions would be detrimental to the commerce, nor that they would substantially impair effective regulation by the Commission or be unjustly discriminatory. Additionally, Sea-Land does not oppose a one-year extension of the current exemptions.

In April, 1972, the Commission exempted for three years (the Commission granted yearly exemptions for the years 1970 and 1971), to and including December 31, 1974, the carriage of miscellaneous cargoes between Seattle, Washington, and Houston, Texas, on the one hand and Beechey Point and Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean, on the other. The exemption applies specifically to Alaska Barge & Transport, Inc., Foss Alaska Line, Inc., Foss Launch & Tug Co., and Puget Sound Tug and Barge Company. In 1974 the exemptions were broadened and extended to December 31, 1975. The aforementioned carriers have now petitioned the Commission for an extension of the exemptions to and including December 31, 1978.

The conditions under which the original exemptions were granted have not materially changed. Continuation of the exemptions, as amended, will not

substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce. Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553 and sections 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 833(a) and 841(a); Part 531 of Title 46 CFR is amended as follows:

Section 531.26 is amended by revising paragraph (c) to read as follows:

531.26 Exemptions.

* * * * *

(c) The provisions of the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, as amended, shall not apply to direct transportation by water between ports in the contiguous continental United States (excluding ports in the Mississippi River System above Baton Rouge, Louisiana) and Prudhoe Bay, Alaska, of miscellaneous cargoes (including liquid in bulk) provided by Foss Launch & Tug Co., Foss Alaska Line, Inc., Puget Sound Tug & Barge Company, and Alaska Barge & Transport, Inc., for a period commencing with the publication of this exemption in the FEDERAL REGISTER and ending with December 31, 1978. Any exemption granted to a specific carrier is applicable only to the so specified carrier and may not be used by another carrier, either by merger, change of name or adoption by another carrier. These exemptions will be subject to the submission of the following information 30 days after each voyage begins:

(1) Each contract of carriage entered into between the carriers and shippers, indicating the services provided by the carriers and the charges assessed;

(2) If not included in the contract furnished under subparagraph (1), any contractual arrangements and charges, therefore, for other services to shippers, such as storage, warehousing, handling charges, or any other special services provided to the shippers in connection with the movement of this cargo;

(3) To the extent not included in subparagraphs (1) and (2), any contractual arrangements for liability for loss or damage and responsibility for insurance coverage;

(4) An identification of all commodities carried, the tonnage for each commodity, and the names of shippers of each such commodity; and

(5) An indication of the amount of barge space contracted to each shipper, i.e., has the shipper chartered the full reach of a barge or merely part capacity of a barge.

Effective Date. The exemptions granted herein supersedes and takes the place of the currently effective exemptions and shall become effective on February 11, 1976.

By Order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.76-4033 Filed 2-10-76;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 78—CABLE TELEVISION RELAY SERVICES

Channel Designation

Correction

In FR Doc. 76-2993, appearing at page 4826 in the issue for Monday, February 2, 1976, the table in § 78.18(a)(4) on page 4827 should read as follows:

Group K channels

Designation	Channel boundaries (gigahertz)
K01 [1]	12.7000-12.7125
K02 [1]	12.7125-12.7250
K03 [1]	12.7250-12.7375
K04 [1]	12.7375-12.7500
K05 [1]	12.7500-12.7625
K06 [1]	12.7625-12.7750
K07 [1]	12.7750-12.7875
K08 [1]	12.7875-12.8000
K09 [1]	12.8000-12.8125
K10 [1]	12.8125-12.8250
K11 [1]	12.8250-12.8375
K12 [1]	12.8375-12.8500
K13 [1]	12.8500-12.8625
K14 [1]	12.8625-12.8750
K15 [1]	12.8750-12.8875
K16 [1]	12.8875-12.9000
K17 [1]	12.9000-12.9125
K18 [1]	12.9125-12.9250
K19 [1]	12.9250-12.9375
K20 [1]	12.9375-12.9500

[1] See subpara. (a)(1) of this section.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1000—THE COMMISSION

Canons of Conduct

Upon consideration of the Civil Service Commission's amendments to its regulations governing employee indebtedness and various organizational changes made in the Commission, certain provisions of this Commission's Canons of Conduct issued December 21, 1965, as amended, and contained in Subpart B of Part 1000 of Chapter X of Title 49 of the Code of Federal Regulations, require revision. These amendments are contained in the republication of certain parts of Subpart B set forth below.

These amendments were approved by the Civil Service Commission on January 20, 1976, and are effective February 11, 1976.

It is ordered, That parts of Subpart B of Part 1000 of Chapter X of Title 49 of the Code of Federal Regulations be republished and be amended to read as follows:

1. Section 1000.735-21 to Subpart B of Part 1000 of Chapter X of Title 49 of the Code of Federal Regulations is revised to read as follows:

§ 1000.735-21 Indebtedness.

Members and employees shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court or one imposed by law such as Federal, State or local taxes, and "in a timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

2. Appendix I to Subchapter B of Part 1000 of Chapter X of Title 49 of the Code of Federal Regulations is revised to read as follows:

APPENDIX I: LIST OF EMPLOYEES REQUIRED TO SUBMIT ICC FORM NUMBER 1164 (49 CFR 1000.735-26)

OFFICE OF THE MANAGING DIRECTOR

1. Managing Director.
2. Assistant Managing Director.
3. Assistant to the Managing Director (Information Systems).
4. Assistant to the Managing Director (Attorney Advisor).
5. Director of Personnel.
6. Budget and Fiscal Officer.
7. Assistant Budget and Fiscal Officer.
8. Chief and Assistant Chief, Section of Administrative Services.
9. Chief and Assistant Chief, Section of Systems Development.
10. Chief, Procurement and Property Management Branch, Section of Administrative Services.
11. Computer Equipment Analyst, Section of Systems Development.
12. Regional Managers.

OFFICE OF THE SECRETARY/CONGRESSIONAL RELATIONS

1. Secretary/Congressional Relations.
2. Assistant Secretary.
3. Deputy Congressional Relations Officer.

OFFICE OF THE GENERAL COUNSEL

1. General Counsel.
2. Deputy General Counsel.
3. Chief, Section of Litigation.
4. Chief, Section of Research and Opinions.
5. Chief, Section of Legislation.

OFFICE OF RAIL SERVICES PLANNING

1. Director.
2. Associate Director.
3. Chief, Section of Public Counsel.
4. Chief, Section of Subsidy Assistance.

OFFICE OF HEARINGS

1. Chief Administrative Law Judge.
2. Assistant Chief Administrative Law Judges.
3. Administrative Law Judges.

OFFICE OF PROCEEDINGS

1. Director.
2. Associate Director.
3. Deputy Directors.
4. Assistant Deputy Directors.
5. Branch Chiefs, Section of Finance.
6. Branch Chiefs, Section of Rates.
7. Branch Chiefs, Section of Operating Rights.
8. Chief, Section of Case Control and Information.
9. Chairman and Members, Review Boards.
10. Chairman and Members, Motor Carrier Board.
11. Chairman and Members, Finance Board.

BUREAU OF ACCOUNTS

1. Director.
2. Assistant Director.
3. Assistant to the Director.
4. Chief, Section of Audit.
5. Chief and Assistant Chief, Section of Reports.
6. Chief, Section of Accounting.
7. Chief, Rule Making Branch, Section of Accounting.
8. Chief, Interpretations Branch, Section of Accounting.
9. Chief, Depreciation Branch, Section of Accounting.
10. Chief, Section of Cost and Valuation.
11. Chief, Cost Analyses Branch, Section of Cost and Valuation.
12. Chief, Cost Development Branch, Section of Cost and Valuation.
13. Chief, Valuation Branch, Section of Cost and Valuation.
14. Chief, Section of Financial Analysis.
15. Chief, Formal Cases Branch, Section of Financial Analysis.
16. Chief, Early Warning Branch, Section of Financial Analysis.
17. Chairman and Members, Accounting Board.
18. Chairman and Members, Valuation Board.
19. Regional Auditors.

BUREAU OF ECONOMICS

1. Director.
2. Assistant Director.
3. Chief, Section of Financial and Pricing Analysis.
4. Chief, Section of Rail and Water Carrier Analysis.
5. Chief, Section of Motor Carrier and Pipeline Analysis.
6. Chief, Section of Economic Projections and Forecasting.
7. Chief, Section of Mathematics and Statistics.

BUREAU OF ENFORCEMENT

1. Director.
2. Assistant Director.
3. Chief, Section of Rail Enforcement.
4. Chief, Section of Motor, Water and Forwarder Enforcement.
5. Chief, Court Enforcement Branch, Section of Motor, Water and Forwarder Enforcement.
6. Chief, Administrative Proceedings Branch, Section of Motor, Water and Forwarder Enforcement.
7. Special Projects Manager.
8. Regional Counsels.
9. Assistant Regional Counsels.

BUREAU OF OPERATIONS

1. Director.
2. Assistant Director.
3. Assistant to the Director (Special Projects).
4. Assistant to the Director (Emergency Preparedness).
5. Chief, Water Carriers and Freight Forwarder Investigations.
6. Chief and Assistant Chief, Section of Insurance.
7. Chief and Assistant Chief, Section of Motor Carriers.
8. Chief, Interpretations Branch, Section of Motor Carriers.
9. Chief, Motor Carrier Program Branch, Section of Motor Carriers.
10. Chief, Household Goods Branch, Section of Motor Carriers.
11. Chief and Assistant Chief, Section of Railroads.
12. Chief, Compliance Branch, Section of Railroads.
13. Chief, Utilization Branch, Section of Railroads.
14. Chief, Passenger Service Branch, Section of Railroads.
15. Chairman and Members, Insurance Board.
16. Chairman and Members, Railroad Service Board.
17. Chairman and Members, Motor Carrier Leasing Board.
18. Regional Directors (Operations).
19. Assistant Regional Directors (Operations).

BUREAU OF TRAFFIC

1. Director.
2. Assistant Director.
3. Chief and Assistant Chief, Section of Tariffs.
4. Chief, Tariff Examining Branch, Section of Tariffs.
5. Chief and Assistant Chief, Section of Rates and Informal Cases.
6. Chief, Informal Rate Case Branch, Section of Rates and Informal Cases.
7. Chairman and Members, Suspension and Fourth Section Board.
8. Chairman and Members, Special Permission Board.
9. Chairman and Members, Released Rates Board.
10. Chairman and Members, Tariff Rules Board.

These revisions approved by the U.S. Civil Service Commission on January 20, 1976. These revisions become effective February 11, 1976.

(E.O. 11222 of May 9, 1965, 30 FR 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-4194 Filed 2-10-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Integrated Auxiliary of a Church

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 29, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rulemaking is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9).

Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by March 29, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to provide a definition of an integrated auxiliary of a church. Those organizationes that meet the definition of integrated auxiliaries are not required to file annual information returns under section 6033. These regulations are intended to provide guidance to certain organizations for purposes of filing returns for taxable years beginning after December 31, 1974.

Proposed amendments to the regulations. In view of the foregoing, the Income Tax Regulations (26 CFR Part 1) under section 6033 of the Internal Revenue Code of 1954, are amended as follows:

PARAGRAPH 1. Paragraph (g) of § 1.6033-2 is amended by redesignating paragraph (g)(5) as paragraph (g)(6) and adding new paragraph (g)(5). The added and redesignated paragraphs to read as follows:

§ 1.6033-2 Returns by exempt organizations; taxable years beginning after December 31, 1969.

* * * * *

(g) *Organizations not required to file annual returns.* * * *

(5) (i) For purposes of section 6033 and this section and sections 508(c) and 6043(b) and the regulations thereunder, "integrated auxiliary of a church" means an organization described in section 501(c)(3), (*a*) whose primary purpose is to carry out the tenets, functions, and principles of faith of the church with which it is affiliated, and (*b*) whose operations in implementing such primary purpose directly promote religious activity among the members of the church. Organizations considered to be integrated auxiliaries include men's and women's clubs, mission societies, and religious schools. Schools of a general academic or vocational nature are not considered to be integrated auxiliaries, even though they have a religious environment or promote the church's teaching.

(ii) For purposes of paragraph (g)(5)(i) of this section the term "affiliated" means either controlled by or associated with a church or with a convention or association of churches. For example, an organization, a majority of whose officers or directors are appointed by a church's governing board or by officials of a church is controlled by a church within the meaning of this paragraph. An organization is associated with a church or with a convention or association of churches if it shares common religious bonds and convictions with that church or with a convention or association of churches.

(iii) The provisions of paragraph (g)(5)(i) of this section may be illustrated by the following examples.

Example (1). Organization M is a separately incorporated theological seminary exempt from Federal income tax as an organization described in section 501(c)(3). M is affiliated (within the meaning of paragraph (g)(5)(ii) of § 1.6033-2) with a church exempt from income tax as an organization described in section 501(c)(3). M's sole purpose is to prepare students for the ministry. Its graduates are generally ordained as ministers in the church. The curriculum consists primarily of studies of the scripture, liturgy, and traditions of the church, modern and ancient language, public speaking, pastoral counseling and church administration. Since M's activities are to provide ministers for service within the church, its primary purpose is to carry out the tenets, functions, and principles of faith of the church. Furthermore, the development of ministers within the church directly promotes religious activity among the members of the church. Accordingly, M is an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

Example (2). Hospital A is a nonprofit corporation exempt from Federal income tax as an organization described in section 501(c)(3). Hospital A is affiliated (within the meaning of paragraph (g)(5)(ii) of § 1.6033-2) with a church which is also exempt as an organization described in section 501(c)(3). The hospital provides medical care for the community in which it is located, and the provision of such medical care is its primary purpose. Thus, its primary purpose cannot be to carry out the tenets, functions, and principles of faith of the church and hospital A does not meet the test of an integrated auxiliary in paragraph (g)(5)(i)(*a*) of § 1.6033-2. Moreover, hospital A, in implementing its primary purpose, does not directly promote religious activity among its members and consequently cannot meet the test of paragraph (g)(5)(i)(*b*). Failure to meet either of the tests disqualifies an organization from classification as an integrated auxiliary of a church. Accordingly, hospital A is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

Example (3). School C, an elementary grade school exempt from Federal income tax as an organization described in section 501(c)(3), is affiliated (within the meaning of paragraph (g)(5)(ii) of § 1.6033-2) with a church which is also exempt from Federal income tax as an organization described in section 501(c)(3). School C has a legal identity separate from that of the church. The school property, including building and grounds, is owned by the church. The school's supervisory and managerial personnel are appointed by church officials. The school's budget is prepared subject to approval of a church official responsible for the overall supervision of the school. The school's program corresponds with the public school program for the same grades and complies with State law requirements for public education. Although the program includes brief religious services and devotion of time to religious subjects, the school's primary purpose is to serve general educational needs. Thus, its primary purpose cannot be to carry out the tenets, functions, and principles of faith of the church and school C does not meet the test of an integrated auxiliary in paragraph (g)(5)(i)(*a*) of § 1.6033-2. Moreover, school C, in implementing its primary purpose, does not directly promote religious activity among its members and consequently cannot meet the test of paragraph (g)(5)(i)(*b*). Failure to meet either of the tests disqualifies an organization from classifica-

tion as an integrated auxiliary of a church. Accordingly, school C is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

Example (4). Organization B, exempt from Federal income tax as an organization described in section 501(c)(3), is a nonprofit corporation organized and operated as an orphanage for children who are homeless. It is affiliated (within the meaning of paragraph (g)(5)(ii) of § 1.6033-2) with a church which is also exempt as an organization described in section 501(c)(3). The orphanage is dedicated to the service of the entire community in which it is located. Although the operation of the orphanage is regarded by the church's officials and members as a way of discharging their religious obligation to care for needy children, the primary purpose of the orphanage is to provide children with housing, medical care, guidance, and similar services and facilities. Thus, its primary purpose cannot be to carry out the tenets, functions, and principles of faith of the church and organization B does not meet the test of an integrated auxiliary in paragraph (g)(5)(i)(*a*) of § 1.6033-2. Moreover, organization B, in implementing its primary purpose, does not directly promote religious activity among its members and consequently cannot meet the test of paragraph (g)(5)(i)(*b*). Failure to meet either of the tests disqualifies an organization from classification as an integrated auxiliary of a church. Accordingly, organization B is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

Example (5). Organization E is a religious youth organization for young men and women which is affiliated (within the meaning of paragraph (g) (5) (ii) of § 1.6033-2) with a church. The church and the youth organization are exempt from Federal income tax as organizations described in section 501 (c) (3). The youth organization's purposes as stated in its articles of association are to foster a spirit of fellowship among the younger church membership, to provide a means for younger church members and other interested persons of the same age category to know and become concerned about each other as part of a religious congregation, and to provide moral guidance for the youths of the congregation in the form of wholesome activities both of a religious and social nature. The organization meets regularly upon the church premises. It has separate officers and a separate bank account from that of the church. The organization's members exercise some latitude in deciding upon the programs and activities in furtherance of its stated purposes. The minister of the church participates in its decisions in a counseling role and as final decision maker when appropriate. Through its activities the organization is primarily serving to carry out the tenets, functions, and principles of fatih of the church with which it is affiliated and such activities directly promote religious activity among the young adult members of the church. Accordingly, Organization E is an integrated auxiliary of a church within the meaning of paragraph (g) (5) of § 1.6033-2.

Example (6). Organization F, exempt from Federal income tax as an organization described in section 501(c)(3) of the Code, is a nonprofit corporation organized and operated as an old age home. It is affiliated (within the meaning of paragraph (g)(5)(ii) of § 1.6033-2) with a church which is also exempt from income tax as an organization described in section 501(c)(3). The home provides services exclusively to the elderly members of the church's denomination. Although the operation of the home is regarded by the church's officials and members as a way of discharging their religious obligation to care for aged persons, the primary purpose of the home is to provide aged residents with housing, limited nursing care, and similar services and facilities. Thus, its primary purpose cannot be to carry out the tenets, functions, and principles of faith of the church and organization F does not meet the test of an integrated auxiliary in paragraph (g)(5)(i)(*a*) of § 1.6033-2. Moreover, organization F, in implementing its primary purpose, does not directly promote religious activity among its members and consequently cannot meet the test of paragraph (g)(5)(i)(*b*). Failure to meet either of the tests disqualifies an organization from classification as an integrated auxiliary of a church. Accordingly, organization F is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

Example (7). A men's fellowship association, Association G exempt from Federal income tax as an organization described in section 501(c)(3), is affiliated (within the meaning of paragraph (g)(5)(ii) of § 1.6033-2) with a church which is also exempt from Federal income tax as an organization described in section 501(c)(3). Association G's purposes as stated in its articles of association are to foster a spirit of fellowship among the church membership, to provide a means for the church membership and other interested persons to know and become concerned about each other as part of a religious congregation, and to raise funds for religious benevolences. The association meets regularly upon church premises. It has separate officers and a separate bank account. The association's members exercise wide latitude in deciding upon the programs and activities in furtherance of its stated purposes, with the minister of the church participating in such decisions in a counseling role. Through its activities the association is primarily serving to carry out the tenets, functions, and principles of faith of the church with which it is affiliated and such activities directly promote religious activity among the members of the church. Accordingly, Association G is an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

* * * * *

[FR Doc.76-4041 Filed 2-6-76;4:03 pm]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 204]

CANAVERAL HARBOR, FLORIDA

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to establish and govern the use and navigation of a danger zone in the TRIDENT Basin adjacent to Canaveral Harbor at Cape Canaveral Air Force Station, Brevard County, Florida. The establishment of the danger zone will protect the boating public from hazardous operations.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N, on or before March 12, 1976.

§ 204.86 TRIDENT Basin Adjacent to Canaveral Harbor at Cape Canaveral Air Force Station, Brevard County, Florida Danger Zone.

(a) *The Danger Zone.* From the west side of the access channel at latitude 28°24′37″, longitude 80°35′35″ to the east side of the access channel at latitude 28°24′37″, longitude 80°35′26″ and the entire basin.

(b) *Regulations.* (1) No unauthorized vessel shall enter the area. The area will be used for loading and unloading explosives. The entrance to the basin will be marked by suitable boundary signs.

(2) The regulations will be enforced by the Commanding Officer, Naval Ordinance Test Unit, Patrick Air Force Base, Florida, or such agencies he may designate.

Dated: February 2, 1976.

MARVIN W. REES,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[FR Doc.76-3985 Filed 2-10-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1434]

HONEY PURCHASE PROGRAM

Determinations Regarding 1976 Crop

In FR Doc. 76-3030, appearing on page 4832, in the issue of Monday, February 2, 1976, change the signature to read "E. J. Person,".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regulations No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Filing of Applications; Reporting Requirements Suspensions and Terminations

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth below in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare.

The major change proposed by these amendments would permit an otherwise eligible recipient to request that his eligibility for supplemental security income benefits under title XVI of the Social Security Act be terminated. The existing regulations provide that title XVI eligibility terminates for one of three reasons: (1) death of the recipient, (2) cessation of blindness or disability, or (3) suspension of eligibility for 12 continuous calendar months for reasons such as increased income or resources,

absence from the United States, etc. Nevertheless, there are situations in which an individual's eligibility for supplemental security income benefits bars him from qualifying for other benefits which might be more advantageous to him (e.g., Special Age–72 payments under section 228 of the Social Security Act). Present regulations do not specify how such a recipient's supplemental security income eligibility can be terminated if the individual should wish to initiate such action. The recipient's only option as presently expressed in the regulations is to withdraw his claim for supplemental security income benefits. This action, because it requires repayment of all monies previously paid, may not be a viable one for most recipients, particularly after a long period of eligibility. Under the proposed amendment a recipient would simply request that his eligibility for supplemental security income benefits be terminated effective with a specified month. Generally, the month of termination will be the month of filing the termination request. However, if that month is one for which payment has already been made (or can no longer be stopped), termination can be effective with that month only upon the return of the check for that and any subsequent months, or repayment of amounts paid for all the months for which termination is sought, or assurance of full repayment of such amounts (e.g., the amount can be withheld from title II Special Age–72 payments which would be payable on the termination of eligibility for the title XVI payment). In other words, termination can begin no earlier than the first month for which the individual no longer receives (or does not retain) benefits. If repayment is not made, eligibility will be terminated effective with the first month for which checks can be stopped.

This proposed regulation also contains various technical amendments to include reference to the above described termination policy in other appropriate places in the regulations.

In addition, a proposed change would provide the Social Security Administration with authority to deny or suspend eligibility for supplemental security income benefits if a recipient either refuses to furnish information needed to determine initial or continuing eligibility for or the amount of benefits, or fails or refuses to comply with a request for a required report. Under present regulations, a recipient is required to report specified events or facts which could affect his continuing eligibility for or amount of payment. However, there exists no specific authority for the Social Security Administration to make a determination of ineligibility and to deny eligibility or stop payment in the face of refusal by or failure of the recipient to furnish information concerning eligibility for and amount of title XVI benefits.

A determination of ineligibility to receive payments for failure to provide the necessary report or information would not be made with respect to any month for which a determination as to eligibility for or amount of payment can be made based on the information on record whether or not furnished by the recipient. Thus, if the recipient fails, upon request, to confirm or deny evidence of an event or change affecting eligibility for or the amount of payment, a determination must be made that such event or change has in fact occurred and a determination made that eligibility must be suspended or terminated or payment reduced accordingly. Any adverse determination made under the proposed authority would only be effectuated after compliance with the applicable procedural requirements for notice and conference or hearing provided in Subpart N of Regulations No. 16.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before March 12, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102 and 1631, 49 Stat. 647, as amended, 86 Stat. 1476, 42 U.S.C. 1302, 1383.

Dated: December 8, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

J. B. CARDWELL,
Commissioner of Social Security.

Approved February 2, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III, Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.337 is added to read as follows:

§ 416.337 Responsibility of claimant prior to final determination on application.

(a) Any applicant (as defined in § 416.301(b)) is responsible for reporting the events described in § 416.703 where a final determination has not been rendered upon such applicant's application.

(b) Any applicant, who is requested by the Social Security Administration to submit evidence necessary to a final determination on his application and who fails to submit such evidence within 30 days from the date of request, may be found ineligible to receive benefits under this part and his application denied if the record does not contain sufficient information upon which a determination of eligibility for the proper amount of benefits can be made.

2. Section 416.340, paragraph (b)(2) is revised and a new paragraph (d) is added to read as follows:

§ 416.340 Withdrawal of application.

(a) * * *

(b) *After adjudication of the application.* An application may be withdrawn by a written request filed after the Social Security Administration makes a determination on the application provided that:

* * * * *

(2) Any other person whose eligibility would be rendered erroneous by such withdrawal consents in writing thereto (or such written consent is given on behalf of such other person by an individual authorized to execute an application on his behalf), and

* * * * *

(d) *Voluntary termination as an alternative to withdrawal after adjudication of the application.* As an alternative to withdrawal of an application after adjudication, the individual may request that his eligibility for benefits under this Part be terminated (see § 416.1333).

3. Section 416.705 is amended by revising and redesignating the first paragraph as (a) and by adding a new paragraph (b) to read as follows:

§ 416.705 Reports required.

(a) *Responsibility for reporting.* An eligible individual, an eligible spouse, or the representative payee of such individual or spouse, is responsible for reporting the events described in § 416.703. An eligible individual or eligible spouse who has been legally adjudged incompetent will not be held responsible for reporting the events described in § 416.703.

(b) *Failure of recipient to furnish required information.* The Social Security Administration may request an eligible individual, eligible spouse, or the representative payee of either to submit a written statement or report giving pertinent information necessary for a determination concerning the continuing eligibility for or amount of payment. If the record does not contain sufficient information upon which such a determination can be made, the failure of such individual to submit the necessary information within 15 days of the date the Social Security Administration makes written request for such information, may result in a determination of ineligibility to receive benefits under this part (see § 416.1332).

4. Sections 416.1332 and 416.1333 are added to read as follows:

§ 416.1332 Suspension due to failure to comply with request for information.

A recipient is ineligible for the payment of benefits effective with the month following the month in which it is determined in accordance with § 416.705(b) that the individual is ineligible for pay-

ment due to his failure to comply with the Social Security Administration's request for necessary information. A suspension of payment for this reason will not apply with respect to any month for which a determination as to eligibility for or amount of payment can be made based on information on record, whether or not furnished by an individual specified in § 416.705(a). Where it is determined that the information of record does not permit a determination with respect to eligibility for or amount of payment, notice of a suspension of payment due to a recipient's failure to comply with a request for information will be sent in accordance with § 416.1404.

§ 416.1333 Termination at the request of the recipient.

A recipient may terminate his eligibility for benefits under this part by filing a written request for termination which shows an understanding that such termination may extend to other benefits resulting from eligibility under this part. A recipient who files such a request ceases to be an eligible individual, or eligible spouse, effective with the month following the month the request is filed with the Social Security Administration unless the recipient specifies some other month. However, the Social Security Administration will not effectuate the request for any month for which payment has been or will be made unless there is repayment, or assurance of repayment of any amounts paid for those months (e.g., from special payments which would be payable for such months under section 228 of the Act). When the Social Security Administration effectuates a termination of eligibility at the request of the recipient, notice of the determination will be sent in accordance with § 416.1404, and eligibility, once terminated, can be reestablished, except as provided by § 416.1408, only upon the filing of a new application.

[FR Doc. 76-3964 Filed 2-10-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1710]

[Docket No. R-76-362]

LAND REGISTRATION

State Filings; Extension of Comment Period

On December 5, 1975 (40 FR 56919), it was proposed to amend Chapter IX of 24 CFR, § 1710.26(b). Under this proposal, certain technical and substantive changes would be made; specifically, the requirements of §§ 1710.25, 1710.115 and 1710.120 would be applied to all amendments and consolidations which are filed or required to be filed in connection with initial filings which have been made effective with certain States and accepted by the Secretary as meeting the registration requirements of Federal law. Comments were invited with respect to the proposed changes.

Notice is hereby given pursuant to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1710 et seq.) that the period of comment has been extended from January 6, 1976 to February 29, 1976 in order to give interested parties an additional opportunity to respond to the issues. This extension is given due to the fact that there were several holidays during the original comment period which may have prevented some interested persons from submitting comments before the deadline.

JOHN R. MCDOWELL,
Acting Interstate Land Sales Administrator.

[FR Doc.76-3980 Filed 2-10-76;8:45 am]

BOARD FOR INTERNATIONAL BROADCASTING

[1 CFR Part 415]

PRIVACY ACT OF 1974

Proposed Amendments

On August 29, 1975, there were published in the FEDERAL REGISTER (40 FR 40047-40049) notices of proposed rulemaking which set forth the procedures by which an individual could determine whether the Board for International Broadcasting maintained a system of records which included a record pertaining to the individual, and methods by which that individual could gain access to the record pertaining to him or her for the purpose of review, amendment and/or correction. Interested parties were given the opportunity to submit comments regarding the proposed rules and notices of systems of record by September 11, 1975. No comments were received, and the proposed regulations were adopted without amendment on December 30, 1975.

Subsequently, the Office of Management and Budget proposed some amendments of the regulations and systems of record which would assist the citizen seeking access to such records. These recommendations have been reviewed by the Board, counsel consulted, and the amendments approved as outlined below. The action officer for the Privacy Act has also been changed at the direction of the Executive Director of the Board. Public comment on these proposed amendments is invited on or before March 5, 1976.

1. Section 415.3 has been changed to include the full address of the Board for those persons seeking access to information. A phrase has been added to include the right of the individual to request whether or not the Board maintains a system of records which pertains to that individual, and to offer the individual assistance in identifying the system of record, and in preparation of requests for access or amendment. The action officer was changed to the Budget and Administration Officer of the Board.

2. Section 415.4 has been changed to include the Board's acceptance of written requests for access, outlining acceptable methods for the individual to identify himself or herself, and to note the penalty for persons seeking or obtaining access to records under false pretenses. Also added was a specific timeframe for acknowledgement of requests for access, for stating whether or not access could be granted, and the time in which the Board would comply with the request.

3. Section 415.5 was changed to show the full title and location of the employee of the Board to whom the individual's proof of identity should be addressed, allowing for verification of the person's identity in written form, as well as in person. Also added to the Section was a phrase stating the individual's right to select another person to accompany the individual at the time of request for access to the Board's records, and providing for the individual's access to the information in the accounting of disclosures, if this were requested by the individual. Finally, in cases where the Board found it necessary to deny access, the Section was changed to show that the Board would give the individual the reason for denial and advise that individual of his or her right to judicial review.

4. A new section was added after §415.5 to provide for access to the accounting of disclosures.

5. Section 415.7 (now renumbered § 415.8) was changed to provide for prior recipients of records being provided with corrections or amendments to those records.

6. Section 415.8 (now renumbered § 415.9) was changed to indicate that a copy of the corrected statement of dispute would be provided prior recipients of the information in question.

7. Section 415.9 (now renumbered § 415.10) was changed to permit disclosure of records to third persons as permitted or required by 5 U.S.C. 552a(b).

8. Section 415.10 (now renumbered § 415.11) was changed to allow for the Board's waiver of fees for copying in the case of indigency, as well as for charges totaling less than $25.00, and requiring prepayment in cases where the copying charges exceeded $25.00.

The proposed regulations are set forth below.

WALTER R. ROBERTS,
Executive Director.

FEBRUARY 5, 1976.

PART 415—PRIVACY ACT IMPLEMENTATION

Sec.
415.1 Purpose and scope.
415.2 Definitions.
415.3 Procedures for requests pertaining to individual records in a record system.
415.4 Times, places and requirements for the identification of the individual making a request.
415.5 Disclosure of requested information to the record.
415.6 Access to the accounting of disclosures from records.
415.7 Request for correction or amendment
415.8 Agency review of request for correction or amendment of the record.
415.9 Appeal of an initial adverse agency determination on correction or amendment of the record.

Sec.
415.10 Disclosure of record to a person other than the individual to whom the record pertains.
415.11 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

§ 415.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Board for International Broadcasting (hereafter known as the Board) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 415.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record means any item, collection or grouping of information about an individual that is maintained by the Board, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is comptaible with the purpose for which it was collected.

§ 415.3 Procedures for requests pertaining to individual records in a record system.

An individual shall submit a request to the Budget and Administrative Officer of the Board, Suite 430, 1030 Fifteenth Street, Northwest, Washington, D.C. 20005, in person or in writing, to determine if a system of records named by the individual contains a record pertaining to the individual, or if the Board maintains any systems of record which pertain to the individual. The individual shall submit a request to the Budget and Administrative Officer of the Board which states the individual's desire to review his or her record. Individuals who require assistance in identifying systems of record, or in preparing requests identifying systems of record for access, or who need assistance in requesting amendments, may address such requests to the Budget and Administrative Officer of the Board, Suite 430 1030 Fifteenth Street, Northwest, Washington, D.C. 20005.

§ 415.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Budget and Administrative Officer of the Board pursuant to § 415.3 shall present the request at the Board offices, Suite 430, 1030 Fifteenth Street, NW., Washington, D.C. 20005, on any business day between the hours of 9 a.m. and 5:30 p.m., or in writing. The individual submitting the request should present himself or herself at the Board's offices with a form of identification which will permit the Board to verify that the individual is the same individual as contained in the record requested, such as a valid driver's permit, employee identification card, or Medicare card, or a signed statement from the individual asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000. If the individual seeks access by mail, the Board will require similar identification as required of those persons requesting access to records in person, or by identifying data such as name, date of birth, or system personal identifier (if known to the individual). Requests for access to systems of record will be acknowledged within ten days of receipt. The acknowledgement will indicate whether or not access can be granted and, if so, that it will be within a 30-day period unless, for good cause shown, the Board is unable to do so.

§ 415.5 Disclosure of requested information to the individual.

Upon verification of identity either in person or in written form to the Budget and Administrative Officer of the Board, Suite 430, 1030 Fifteenth Street, Northwest, Washington, D.C. 20005, and in accordance with the identification provisions of § 415.4, the Board shall disclose to the individual the information contained in the record which pertains to that individual. The individual may be accompanied for the purpose by a person of his or her choosing. Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available. If, for any unforeseen circumstances, or in an unusual situation when it may be necessary to deny a person access, the individual will be advised of the reasons therefor, and his or her right to judicial review under 5 U.S.C. 552a (f)(4).

§ 415.6 Access to the accounting of disclosures from records.

The Privacy Act requires that with some limited exceptions individuals may request access to a list of those to whom records about them have been disclosed. Individuals seeking access to the accounting of disclosures from records pertaining to them should follow the same procedures as established above for access to the records themselves (see §§ 415.3, 415.4, 415.5).

§ 415.7 Request for correction or amendment to the record.

The individual should submit a request to the Budget and Administrative Officer of the Board which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 415.4.

§ 415.8 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Budget and Administrative Officer of the Board will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment or any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Board for the individual to request a review of that refusal. Corrections or amendments will be sent to prior recipients of the record in question, to the extent that the Board has an accounting of the disclosure of the record of that information.

§ 415.9 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Budget and Administrative Officer of the Board to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director of the Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, NW., Washington, D.C. 20005. The Executive Director will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Executive Director extends such thirty day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the individual may file with the Board a concise statement setting forth the reasons for his or her disagreement with the refusal of the Board and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A). A copy of the corrected record or statement of dispute will be provided to prior recipients of the information in question, to the extent that the Board has an accounting of the disclosure of that information.

§ 415.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Board will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, except as required or permitted under 5 U.S.C. 552a(b).

§ 415.11 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page for any copying charges in excess of $25.00. In cases of indigency, the Board may waive such fees. In cases where copying charges exceed $25.00, advance payment will be required.

[FR Doc.76-3970 Filed 2-10-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1036]

[Ex Parte No. 252 (Sub-No. 1)]

INCENTIVE PER DIEM CHARGES—1968

Nonequity Leases

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of January 1976.

It appearing, that by order of the Commission, dated December 15, 1967, this rulemaking proceeding was instituted for the purpose of implementing those provisions of the law relating to the Commission's authority to encourage the acquisition and maintenance of an adequate car supply as specified in Pub. L. 89-430, which, effective May 26, 1966, amended section 1(14)(a) of the Interstate Commerce Act;

It further appearing, that the Commission in each of its prior reports stated that the instant proceeding would be an "open-end" or continuing proceeding which would permit the parties to bring to the Commission's attention, as a result of experience gained under the new regulations, any situation which might require clarification or warrant modification of the incentive rules and charges, and that the Commission has modified its initial report in regard to the manner of participation by Canadian railroads, 339 I.C.C. 627, clarified and modified the initial report in other respects, 340 I.C.C. 49, by order dated March 30, 1973, extended the prescribed six-month period to cover the entire calendar year, which order was sustained by the District Court in "Ann Arbor R.R. Co. v. United States," 368 F. Supp. 101 (E.D. Pa. 1973), and, at 350 I.C.C. 464, returned the application of incentive per diem to the six-month period;

It further appearing, that in this proceeding at 349 ICC 303 the Commission allowed the use of incentive per diem funds for nonequity leases after the carrier has met its 1964-68 test period average,

It further appearing, that since the use of nonequity lease is a relatively new concept, in many cases the 1964-68 test period would not be applicable;

And it further appearing, that in our decision at 350 I.C.C. 11, "Incentive Per Diem Charges—1968 (XF CARS)," the Commission held that since "XF" cars did not exist before 1973, the 1964-68 test period average would not be feasible and the only requirement imposed on carriers was that they match incentive expenditures with corporate fund expenditures; Wherefore and good cause appearing therefor:

It is ordered, That this proceeding be, and it is hereby, reopened to determine whether section 1036.4, Title 49 of the Code of Federal Regulations should be amended, and if so, whether it will be replaced with a different test period, a matching requirement or some other requirement in connection with non-equity leases of equipment.

It is further ordered, That comments respecting the above matters or any other related matter in this limited reopening of this proceeding be submitted to the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before April 6, 1976.

And it is further ordered, That a copy of this order shall be delivered to the Director, Office of the Federal Register, for publication therein, and mailed to each of the parties in the prior report in this proceeding at 349 I.C.C. 303.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.76-4048 Filed 2-10-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT DATA

Procedure for Improvement of Entitlement Data

The data used by the Office of Revenue Sharing in calculating the initial revenue sharing allocations for units of local government pursuant to the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C.A. Chapter 24) for the seventh entitlement period (July 1, 1976 through December 31, 1976) will be mailed to each recipient government on February 6, 1976. The collective data for all of the units of local government used in the initial allocations for the seventh entitlement period will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 after April 22, 1976.

These data have been compiled by the Bureau of the Census and the Bureau of Indian Affairs. Definitions of each data element are provided in this notice.

Each recipient government will receive either an ORS Form 3233 or an ORS Form 3240. Only those governments in areas declared major disaster areas since April 1, 1974 under the Disaster Relief Act of 1974 (Pub. L. 93-288, 42 U.S.C. Chapter 58) and whose Fiscal Year 1975 adjusted taxes and/or intergovernmental transfers were possibly adversely affected by a major disaster will receive Form 3240. Those local governments, in order to be eligible for the data stabilization benefit of that Act, which allows them to use their predisaster data figures for adjusted taxes and/or intergovernmental transfers rather than their post-disaster figures, are required to certify that both or either of their 1975 adjusted taxes and intergovernmental transfers were adversely affected by a disaster. Such certification must be received in the Office of Revenue Sharing by March 5, 1976.

All other recipient governments will receive Form 3233. If a recipient government believes that there are errors in this data, relative to these definitions and effective dates, they should so inform the Office of Revenue Sharing in writing and by returning Form 3233 with evidence and documentation to fully justify the proposed corrections of data. Governments which receive Form 3240 will also have the opportunity to question all their data elements by returning Form 3240 with evidence and documentation to fully justify the proposed corrections to this data. Form 3233 or Form 3240 and supporting justifications must be received by the Office of Revenue Sharing on or before March 5, 1976 in order that corrections to data elements may be used in determining initial seventh entitlement period allocations.

Governments which receive Form 3233 and which do not wish to question their data are requested not to return the form. Governments which receive Form 3240 and which do not wish to question their data or provide a disaster certification are requested not to return the form.

The data of record in the Office of Revenue Sharing for those local governments, which do not respond by March 5, 1976 will be used to calculate their initial allocation for the seventh entitlement period. In the case of those local governments sent Form 3240, the post-disaster data of record in the Office of Revenue Sharing will be considered valid for those governments for which the Office of Revenue Sharing has not received a disaster certification by March 5, 1976.

Upon receipt of any written response from a receipient government the Office of Revenue Sharing, in conjunction with the Bureau of the Census or the Bureau of Indian Affairs, will substantiate or correct all data questioned and advise the recipient government of its findings.

In order to assure equitable treatment of each recipient, the books will be kept open until all evidence and documentation received in the Office of Revenue Sharing on or before March 5, 1976, have been reviewed and data determined to be erroneous have been corrected.

Dated: February 6, 1976.

JOHN K. PARKER,
Acting Director,
Office of Revenue Sharing.

[FR Doc.76-4034 Filed 2-6-76;3:46 pm]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

2-5 DIMETHOXYAMPHETAMINE

Controlled Substances in Schedules I and II; Final 1976 Aggregate Production Quota

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This resposibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On December 22, 1975, a notice of the proposed aggregate production quota for 1976 for 2-5 Dimethoxyamphetamine was published in the FEDERAL REGISTER (40 FR 59227-28). All interested parties were invited to comment or object to the proposed aggregate production quota on or before January 26, 1976. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and further, having been duly designated as Acting Administrator by Order No. 63876 of the Attorney General, dated January 23, 1976, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quota for the controlled substance listed below, expressed in grams in terms of anhydrous base, be established as follows:

Issued 1976

Basic class: 2-5 dimethoxyamphetamine	30,000,000

This order is effective on February 11, 1976.

Dated: February 4, 1976.

PETER B. BENSINGER,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.76-4050 Filed 2-10-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 27500]

NEW MEXICO

Application

FEBRUARY 3, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for an 8⅝-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 8 W.,
Sec. 4, E½SW¼ and SW¼SE¼;
Sec. 9, NW¼NE¼.
T. 30 N., R. 8 W.,
Sec. 21, E½SE¼;
Sec. 28, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼.

This pipeline will convey natural gas across 2.053 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-3989 Filed 2-10-76;8:45 am]

[NM 27501]

NEW MEXICO

Application

FEBRUARY 3, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 22 E.,
Sec. 9, NW¼NE¼ and N½NW¼.

These pipelines will convey natural gas across .488 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-3990 Filed 2-10-76;8:45 am]

[NM 27237]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 3, 1976.

The Forest Service, United States Department of Agriculture, has filed application, Serial No. NM 27237 for the withdrawal of the land described below. The land was conveyed to the United States pursuant to Section 8 of the Taylor Grazing Act. It lies within the exterior boundaries of the Lincoln National Forest. It has not been open to entry under the public land laws. The applicant desires the land for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

On or before March 12, 1976, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, P.O. Box 1449, Santa Fe, New Mexico 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

T. 9 S., R. 11 E.,
Secs. 13 and 14, Cashier Lode Mining Claim, M.S. 639.
T. 9 S., R. 12 E.,
Secs. 13 and 14, Cashier Lode Mining Claim, M.S. 639.
T. 9 S., R. 12 E.,
Secs. 13 and 14, Grover Cleveland Lode Mining Claim, M.S. 723, portions not in conflict with M.S. 639 (Cashier Lode Mining Claim) and M.S. 568 (Diamond Crown Mining Claim).

The areas described aggregate 39.201 acres in the Nogal Mining District of Lincoln County.

MICHAEL T. SOLAN,
Chief, Division of Technical Services.

[FR Doc.76-3991 Filed 2-10-76;8:45 am]

NEW MEXICO MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the New Mexico State Multiple Use Advisory Board of the Bureau of Land Management will meet in open session March 4 and 5, 1976, at the Inn of the Mountain Gods on the Mescalero-Apache Indian Reservation, Otero County, New Mexico.

There will be no fixed hour that individual subjects will be discussed. Sessions will begin at 8:30 a.m. each day and continue throughout the day except for short recesses until 4:30 p.m.

The meeting March 4 will be to receive statements from the public on the general question: "What Shall Be the Future of Fort Stanton?"

The meeting March 5 will be to hear reports from the Board's committees on land titles, off-road-vehicle use, public participation in public land management and processing of environmental assessments and statements and to adopt recommendation, as indicated. In addition, if necessary, four hours or less of the March 5 meeting will be set aside to hear statements from the public unable to be heard on March 4.

All sessions will be open to the public. Members of the public, or of any group interested in the management of the resources of the old Fort Stanton military reservation are invited to appear and to speak. Written statements, or summaries of opinions and recommendations, will be required for the record except that, on a first-come, first-heard and on a time-available basis, individual members of the public will be heard at the end of the presentation of formal written statements. Persons or organizations desiring to make formal statements should notify the Bureau of Land Management no later than February 27, 1976, at the address given below. Questions about the meeting should be sent to the same address.

Chief, Office of Public Affairs, Bureau of Land Management P.O. Box 1449, Santa Fe, New Mexico 87501 (505) 988-6316.

MICHAEL T. SOLAN,
Acting State Director.

FEBRUARY 3, 1976.

[FR Doc.76-3992 Filed 2-10-76;8:45 am]

UTAH STATE OFFICE

Change of Location and Temporary Closing

JANUARY 30, 1976.

Notice is hereby given that the Utah State Office, Bureau of Land Management, in Salt Lake City, Utah will be closed to the public Friday, February 27, 1976 and Monday, March 1, 1976, to facilitate moving to the new location of 136 East South Temple, Salt Lake City, Utah. The new mailing address of the Utah State Office, effective February 27, 1976, will be Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

In accordance with Title 43, Code of Federal Regulations, 1821.2; 1821.2-1; 1821.2-2; 1821.2-3; applications, payments, and other documents received for filing in the normal course of business for February 27, 1976 and March 1, 1976, shall be deemed to be filed as of 10:00 a.m., March 2, 1976, and those required by the regulations to be filed on or before February 27, 1976, will be timely filed if received in the State Office in its new location up to 4:00 p.m. on March 2, 1976.

PAUL L. HOWARD,
State Director.

[FR Doc.76-3993 Filed 2-10-76;8:45 am]

Geological Survey

PINTO HOT SPRINGS, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21

(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572, 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Pinto Hot Springs Known Geothermal Resources Area, effective March 1, 1974:

(28) Nevada

PINTO HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA, MT. DIABLO MERIDIAN, NEVADA

Partially Surveyed T. 40 N., R. 28 E.

Protraction Diagram No. 263

Partially Surveyed—Sec. 16: All
Partially Surveyed—Sec. 17: All
Partially Surveyed—Sec. 18: All
Partially Surveyed—Sec. 20: All
Partially Surveyed—Sec. 21: All
Protracted—Sec. 27: All
Protracted—Sec. 28: All
Protracted—Sec. 29: All
Partially Surveyed—Sec. 30: All
Protracted—Sec. 31: All
Protracted—Sec. 32: All
Protracted—Sec. 33: All
Protracted—Sec. 34: All

Containing 8,065 acres (3,264 ha), more or less.

Dated: December 23, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.76-3952 Filed 2-10-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A292]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Pottawattamie County, Iowa, as a result of drought beginning June 21 through August 15, 1975, and severe winds, hail, and rain occurring on August 24, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.-3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 22, 1976, for physical losses and October 21, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3d day of February 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-3971 Filed 2-10-76;8:45 am]

[Notice of Designation Number A286]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Michigan Counties as a result of various adverse weather conditions shown in the following chart:

Ten Michigan Counties Recommended for Emergency Loan Designation

Bay	Leelanau
Berrien	Macomb
Clinton	Mecosta
Eaton	Oceana
Grand Traverse	Van Buren

Bay—Excessive rainfall August 21 through September 15, 1975, caused severe losses to beans, potatoes and cucumbers.

Berrien—High winds, hail and excessive rainfall May 20, 21 and 30 through July 12, 1975, caused severe damage and losses to fruit, vegetables, and crops.

Clinton—Excessive rainfall and flooding August 20 to September 15, 1975, caused severe damage and crop losses to dry edible beans, soybeans, corn and hay.

Eaton—Drought June 23 through July 31, 1975; excessive rainfall August 20 to September 15, 1975; and an early frost September 19, 1975, caused severe damage to navy beans, soybeans and corn.

Grand Traverse—High temperatures May 19 through 23, 1975; high winds July 19, 1975; drought August 1 to August 30, 1975, caused severe damage and loses to tart and sweet cherries, and corn.

Leelanau—High temperatures May 19 to May 23, 1975; high winds and excessive rainfall July 18-19, 1975, caused severe damage and crop loss to tart cherries, corn, oats, and hay.

Macomb—Excessive rainfall August 10 to September 21, 1975, caused severe damage and losses to fruits and vegetables.

Mecosta—A severe hailstorm July 10, 1975, caused severe damage and losses to ear corn, corn silage, wheat, snap, dry, and string beans, hay, fruit and vegetables.

Oceana—A high wind and hailstorm July 10, 1975, caused severe damage and losses to cherries, plums and apples.

Van Buren—High winds, hail, and excessive rainfall May 20, 21 and 30, June 4 and 18, July 3, 12 and 16, 1975, caused severe damage to corn, wheat, oats, barley, soybeans, fruits and vegetables.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 22, 1976, for physical losses and October 20, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3rd day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-3972 Filed 2-10-76;8:45 am]

[Notice of Designation Number A294]

SOUTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or acquaculture operations have been substantially affected in Marlboro County, South Carolina, as a result of excessive rainfall July 5 to July 26, 1975, and drought August 1 to August 31, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James B. Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 22, 1976, for physical losses and October 21, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3rd day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-3973 Filed 2-10-76;8:45 am]

Forest Service

MODOC NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10:00 a.m., March 4, 1976 in the Forest Supervisor's

Office, 441 N. Main, Alturas, California.

The purpose of this meeting is to discuss Ten Year Term Permits, Range Improvements, Predator Control and other items related to grazing on the Modoc National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Kenneth C. Scoggin, Box 611, Alturas, California 96101, Telephone 916-233-3521. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at meeting after the regular board meeting is completed.

JOHN M. LANGSKOV,
Acting Forest Supervisor.

FEBRUARY 2, 1976.

[FR Doc.76-3987 Filed 2-10-76;8:45 am]

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The White Mountain National Forest Advisory Committee will meet March 3 and 4, 1976, at the Waterville Valley Ski Area, Waterville Valley, New Hampshire.

The purpose of this meeting is to discuss backcountry planning and management proposals for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603-524-6450.

JOSEPH H. REINHARDT,
Acting Forest Supervisor.

FEBRUARY 3, 1976.

[FR Doc.76-3988 Filed 2-10-76;8:45 am]

Soil Conservation Service

WET WALNUT CREEK BASIN, KANSAS

[WET WALNUT CREEK SUBWATERSHED NOS. 1, 2, 3, and 5]

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Wet Walnut Creek Subwatershed Nos. 1, 2, 3, and 5 Projects, Barton, Rush, Pawnee, Ness, and Lane Counties, Kansas, USDA-SCS-EIS-WS-(ADM)-76-2-(D)-KS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 44 floodwater retarding structures and 4 multi-purpose reservoirs with recreation facilities. The recreational development will provide 130,000 recreation visits annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert K. Griffin, State Conservationist, Soil Conservation Service, 760 S. Broadway, Salina, Kansas 67401.

Comments must be received on or before March 29, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: February 4, 1976.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-3950 Filed 2-10-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON REGULATORY PROGRAMS

Determination

Notice is hereby given that the Secretary of Agriculture intends to establish an Advisory Committee on Regulatory Programs. The purpose of the Committee will be to review the regulatory programs, inspection systems, and marketing orders and agreements presently being carried out within the Department to assess their effectiveness in contributing to an orderly marketing procedure, as well as their impact on consumer prices and farmer income. Establishment of the Committee is in the public interest in connection with the work of the Department.

The Chariman of the Committee will be the Assistant Secretary for Marketing and Consumer Affairs, United States Department of Agriculture, Washington, D.C. 20250. Plans are for the Committee to meet at least twice a year.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92-463). Views and comments of interested persons shall be made in writing and must be received by the Assistant Secretary for Marketing and Consumer Affairs, Room 201-A, United States Department of Agriculture, Washington, D.C. 20250, by February 26, 1976. Such comments will be available for public inspection during regular business hours.

Dated: February 6, 1976.

J. PAUL BOLDUC,
Acting Assistant Secretary for Administration.

[FR Doc.76-4057 Filed 2-10-76;8:45 am]

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 10 a.m., February 23, 1976, in Room 4306, South Building, U.S. Department of Agriculture, Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting, a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: February 6, 1976.

PAUL A. VANDER MYDE,
Deputy Assistant Secretary.

[FR Doc.76-4058 Filed 2-10-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 973]

ASSIGNMENT OF HEARINGS

FEBRUARY 6, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hear-

ings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130321, Fred Bunge Tours, now being assigned March 31, 1976 (3 days), at San Diego, Calif., in a hearing room to be later designated.

MC 106644 Sub-215, Superior Trucking Company, Inc., and MC 111545 Sub-215, Home Transportation Company, Inc., now being assigned April 5, 1976 (1 day) at San Franvisco, Calif., in a hearing room to be later designated.

MC 105566 Sub-115, Sam Tanksley Trucking, Inc., now being assigned April 6, 1976 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 117823 Sub-49, Dunkley Refrigerated Transport, Inc., MC 127539 Sub-46, Parker Refrigerated Service, Inc., MC 139495 Sub-86, National Carriers, Inc., and MC 138274 Sub-19, Shippers Best Express, Inc., now being assigned April 8, 1976 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 83835 Sub-122, Wales Transportation, Inc., and MC 133459 Sub-98, H. J. Jeffries Truck Line, Inc., now being assigned March 11, 1976, in Room 5A15-17, New Federal Bldg., 1100 Commerce Street, Dallas, Tex.

MC 139091 Sub-11, Logan Motor Lines, Inc., now being assigned March 10, 1976, in Room 5A15-17, New Federal Bldg., 1100 Commerce Street, Dallas, Texas.

MC 103498 (Sub-No. 44), W. D. Smith Truck Line, Inc., now assigned March 10, 1976, at Dallas, Texas, is cancelled and application is dismissed.

MC-F-12486, Twin City Freight, Inc.—Purchase—St. Cloud-Duluth Truck Line and MC 111496 Sub-No. 21, Twin City Freight, Inc., now being assigned March 18, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-4047 Filed 2-10-76;8:45 am]

[Notice No. 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 6, 1976.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 12, 1976.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 24), RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247, filed January 30, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Fort Worth, Tex., over Interstate Highway 20 to junction U.S. Highway 84 (near Sweetwater, Tex.), thence over U.S. Highway 84 to Farwell, Tex., and (2) From Jacksboro, Tex., over Texas Highway 199 to Seymour, Tex., thence over U.S. Highway 82 to Lubbock, Tex., thence over U.S. Highway 84 to Farwell, Tex., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Fort Worth, Tex., over U.S. Highway 81 to Bowie, Tex., thence over U.S. Highway 287 to Amarillo, Tex., thence over U.S. Highway 60 to Farwell, Tex., and (2) From Jacksboro, Tex., over U.S. Highway 281 to Wichita Falls, Tex., thence over U.S. Highway 287 to Amarillo, Tex., thence over U.S. Highway 60 to Farwell, Tex., and return over the same routes.

No. MC 2229 (Deviation No. 25), RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247, filed January 27, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hempstead, Tex., over U.S. Highway 290 to Austin, Tex., thence over U.S. Highway 183 to Cisco, Tex., thence over Interstate Highway 20 to junction U.S. Highway 84 (near Sweetwater, Tex.), thence over U.S. Highway 84 to Farwell, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hempstead, Tex., over Texas Highway 6 to Waco, Tex., thence over U.S. Highway 81 to Bowie, Tex., thence over U.S. Highway 287 to Amarillo, Tex., thence over U.S. Highway 60 to Farwell, Tex., and return over the same route.

No. MC 41432 (Deviation No. 28), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed January 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 72 to junction Alabama Highway 157, thence over Alabama Highway 157 to junction U.S. Highway 278, thence over U.S. Highway 278 to Atlanta, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 78 to Atlanta, Ga., and return over the same route. Said operations are restricted to preclude service between Birmingham, Ala., and Atlanta, Ga., points within their respective commercial zones and all intermediate and off-route points between Birmingham, Ala., and Atlanta, Ga., on the one hand, and, on the other, Chicago, Ill., and St. Louis, Mo., and points within the respective commercial zones thereof.

No. MC 89913 (Deviation No. 4 (Correction), FRISCO TRANSPORTATION COMPANY, 3253 E. Trafficway, Springfield, Mo. 65802, filed December 30, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 66 to Lebanon, Mo., thence over Missouri Highway 64 to Louisburg, Mo., thence over U.S. Highway 65 to Preston, Mo., thence over U.S. Highway 54 to Collins, Mo., thence over Missouri Highway 13 to Clinton, Mo., thence over Missouri Highway 7 to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route. The purpose of this republication is to show applicant's correct service route.

No. MC 115093 (Deviation No. 2), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 41 and Florida Highway 29, near Everglades, Fla., over Florida Highway 29 to Palmdale, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Newton Grove, N.C., over U.S. Highway 701 to Charleston, S.C., thence over U.S. Highway 17 to Punta Gorda, Fla., (2) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., (3) From Thomasville, Ga., over U.S. Highway 19 to junction Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 to Williston, Fla., thence over U.S. Highway 27 to Miami, Fla., and (4) From Clearwater, Fla., over Florida Highway 60 to Vero Beach, Fla., and return over the same routes. Said operations in (1) through (4) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New

York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 3), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hernando, Fla., over Florida Highway 200 to Ocala, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Fayetteville, N.C., over U.S. Highway 301 to Bradenton, Fla., (2) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., and (3) From Waldo, Fla., over Florida Highway 24 to junction Florida Highway 121, thence over Florida Highway 121 to Williston, Fla., and return over the same routes. Said operations in (1) through (3) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 4), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ft. Myers, Fla., over Florida Highway 80 to junction Florida Highway 31, thence over Florida Highway 31 to junction Florida Highway 70, thence over Florida Highway 70 to Arcadia, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Newton Grove, N.C., over U.S. Highway 701 to Charleston, S.C., thence over U.S. Highway 17 to Punta Gorda, Fla., and (2) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., and return over the same routes. Said operations in (1) and (2) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 5), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Weeki Wachee, Fla., over U.S. Highway 19 to Lebanon Station, Fla., thence over Florida Highway 121 to junction U.S. Highway 41 near Williston, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., and (2) From Indian River City, Fla., over Florida Highway 50 to junction U.S. Highway 19, thence over U.S. Highway 19 to St. Petersburg, Fla., and return over the same routes. Said operations in (1) and (2) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 6), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Weeki Wachee, Fla., over U.S. Highway 19 to Chiefland, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., (2) From Thomasville, Ga., over U.S. Highway 19 to junction Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 to Williston, Fla., thence over U.S. Highway 27 to Miami, Fla., and (3) From Indian River City, Fla., over Florida Highway 50 to junction U.S. Highway 19, and thence over U.S. Highway 19 to St. Petersburg, Fla., and return over the same routes. Said operations in (1) through (3) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 7), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hawthorne, Fla., over Florida Highway 20 to junction Florida Highway 21, thence over Florida Highway 21 to Orange Park, Fla., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Hawthorne, Fla., over U.S. Highway 301 to Baldwin, Fla., thence over U.S. Highway 90 to Jacksonville, Fla., and (2) From Jacksonville, Fla., over U.S. Highway 17 to Orange Park, Fla., and return over the same routes. Said operations in (1) and (2) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 8, MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chiefland, Fla., over U.S. Highway 129 to Trenton, Fla., thence over Florida Highway 47 to Lake City, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., and (2) From Thomasville, Ga., over U.S. Highway 19 to junction Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 to Williston, Fla., thence over U.S. Highway 27 to Miami, Fla., and return over the same routes. Said operations in (1) and (2) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 9), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1 ,1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Old Town, Fla., over U.S. Alternate Highway 129 to Branford, Fla., thence over Florida Highway 247 to Lake City, Fla. and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., and (2) From Thomasville, Ga., over U.S. Highway 19 to junction Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 to Williston, Fla., thence over U.S. Highway 27 to Miami, Fla., and return over the same routes. Said operations in (1) an d(2) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 10), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed

October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Old Town, Fla., over U.S. Alternate Highway 129 to Branford, Fla., thence over U.S. Highway 129 to Live Oak, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Jacksonville, Fla., over U.S. Highway 90 to Tallahassee, Fla., (2) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., and (3) From Thomasville, Ga., over U.S. Highway 19 to junction Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 to Williston, Fla., thence over U.S. Highway 27 to Miami, Fla., and return over the same routes. Said operations in (1) through (3) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 11), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Alternate Highway 27 and Florida Highway 51, near Clara, Fla., over Florida Highway 51 to Live Oak, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Jacksonville, Fla., over U.S. Highway 90 to Tallahassee, Fla., (2) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., and (3) From Thomasville, Ga., over U.S. Highway 19 to junction Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 to Williston, Fla., thence over U.S. Highway 27 to Miami, Fla., and return over the same routes. Said operations in (1) through (3) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 12), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Perry, Fla., over U.S. Highway 221 to Greenville, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Perry, Fla., over U.S. Highway 19 to Monticello, Fla., thence over U.S. Highway 90 to Greenville, Fla., and return over the same route. Said operations are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 13), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Port St. Joe, Fla., over Florida Highway 71 to Blountstown, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Port St. Joe, Fla., over U.S. Highway 98 to Panama City, Fla., thence over U.S. Highway 231 to junction Florida Highway 20, near Fountain, Fla., thence over Florida Highway 20 to Blountstown, Fla., and return over the same route. Said operations are restricted to the transportation of traffic moving between points in Connecticut, New Jersey Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 14), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Fla., over Florida Highway 12 to junction U.S. Highway 90 near Gretna, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Bristol, Fla., over Florida Highway 20 to Tallahassee, Fla., thence over U.S. Highway 90 to junction Florida Highway 12, near Gretna, Fla., and return over the same route. Said operations are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 15), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 231 and Florida Highway 20, near Youngstown, Fla., over U.S. Highway 231 to Cottondale, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From junction U.S. Highway 231 and Florida Highway 20, near Youngstown, Fla., over Florida Highway 20 to Tallahassee, Fla., and (2) From Cottondale, Fla., over U.S. Highway 90 to Tallahassee, Fla., and return over the same routes. Said operations are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.76-4044 Filed 2-10-76;8:45 am]

[Notice No. 11]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 6, 1976.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212 (b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before March 12, 1976 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which pro-

testant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 117613 (Sub-No. 17) (Republication), filed June 7, 1974, and published in the Federal Register issue of August 8, 1974, and republished this issue. Applicant: DONALD M. BOWMAN, INC., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. An Order of the Commission, Review Board Number 3, dated December 29, 1975, and served January 27, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *building materials, materials and supplies* used in the manufacture, packaging, and distribution of building materials, tan bark, and marble chips, from the facilities of Home-Crete Division of G. & W. H. Corson, Inc., located in Caroline County, Va., to points in Delaware, North Carolina, Virginia, West Virginia, Maryland, and Pennsylvania, and the District of Columbia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's grant of common carrier authority in lieu of contract carrier authority as originally sought. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleading may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose of this republication.

No. MC 42487 (Sub-No. 578) (Notice of filing of petition for modification of certificate), filed December 22, 1975. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Petitioner's representative: Mark J. Andrews, 1660 L Street NW., Washington, D.C. 20036. Petitioner presently holds a motor *common carrier* Certificate in No. 42487 (Sub-No. 578), issued November 7, 1963, authorizing transportation, as pertinent, over regular routes, (Part 2) Section A, of *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Akron, Ohio, and New Castle, Pa., serving all intermediate points in Ohio; (2) Between Barberton, Ohio, and Warren, Ohio, serving all intermediate points; (3) Between Akron, Ohio, and Massillon, Ohio, serving all intermediate points; (4) Between Youngstown, Ohio, and Minneapolis, Minn., serving all intermediate points, and the off-route points of Toledo and Sandusky, Ohio, and Baldwin, Chippewa Falls, and Prescott, Wis.; (5) Between Beloit, Wis., and Madison, Wis., serving the intermediate point of Evansville, Wis.; (6) Between Mansfield, Ohio, and New Haven, Ohio, serving all intermediate points; (7) Between Youngstown, Ohio, and Canton, Ohio, serving all intermediate points, and the off-route points of Sebring and Alliance, Ohio; (8) Between Sharon, Pa., and Norwalk, Ohio, serving all intermediate points in Ohio; (9) Between Chicago, Ill., and Green Bay, Wis., serving all intermediate points, and the off-route points of Beaver Dam, Hartford, and Waupun, Wis.; (10) Between Milwaukee, Wis., and junction U.S. Highways 12 and 16, serving the intermediate points of Portage, Watertown, and Wisconsin Dells, Wis.; (11) Between Milwaukee, Wis., and Madison, Wis., serving the intermediate points of Jefferson, Waukesha, and West Allis, Wis.

(12) Between Rockford, Ill., and Waterloo, Iowa, serving the intermediate points of Freeport, Ill., and Dubuque, Manchester, and Independence, Iowa; (13) Between Canton, Ohio, and Minneapolis, Minn., serving all intermediate points in Ohio, the intermediate points of Fort Wayne and Valparaiso, Ind., Chicago Heights, Joliet, and Aurora, Ill., Cedar Rapids and Waterloo, Iowa, and Austin, Owatonna, Farmington, and Faribault, Minn., and the off-route points of Ashland and Orrville, Ohio, and Dekalb, Ill.; (14) Between Cleveland, Ohio and Canton, Ohio, serving all intermediate points; (15) Between Valparaiso, Ind., and Gary, Ind., serving no intermediate points; (16) Between Akron, Ohio, and Anoka, Minn., serving all intermediate points in Ohio, the intermediate points of Huntington, Ind., Peoria, Galesburg, Moline, and Rock Island, Ill., Davenport, Dubuque, and Decorah, Iowa, and Rochester, Cannon Falls, St. Paul, and Minneapolis, Minn., and the off-route points of Defiance and Fostoria, Ohio, and East Moline, Ill., (17) Between Cleveland, Ohio, and Indianapolis, Ind., serving all intermediate points in Ohio, and the off-route point of Newark, Ohio; (18) Between Indianapolis, Ind., and Gary, Ind., serving the intermediate point of Lafayette, Ind.; (19) Between Fort Wayne, Ind., and Huntington, Ind., serving no intermediate points; (20) Between Chicago, Ill., and Chicago Heights, Ill., serving no intermediate points; (21) Between Chicago, Ill., and Galesburg, Ill., serving the intermediate points of Mendota and Aurora, Ill., and the off-route points of LaSalle and Peru, Ill.; (22) Between Davenport, Iowa, and Minneapolis, Minn., serving the intermediate points of Iowa City, Des Moines, and Mason City, Iowa, and Albert Lea, Owatonna, Waseca and Mankato, Minn.

(23) Between Iowa City, Iowa, and Cedar Rapids, Iowa, serving all intermediate points; (24) Between Rochester, Minn., and Owatonna, Minn., serving no intermediate points; (25) Between Floyd, Iowa, and Mason City, Iowa, for operating convenience only, with no service authorized to or from Floyd or intermediate points; (26) Between Medina, Ohio, and Lorain, Ohio, serving all intermediate points; (27) Between Bucyrus, Ohio, and Attica, Ohio, serving no intermediate points; (28) Between Springfield, Ohio, and Dayton, Ohio, serving no intermediate points; (29) Between Chicago Heights, Ill., and junction Illinois Highway 1 and U.S. Highway 24 (east of Watseka, Ill.), for operating convenience only, serving no intermediate points and with no service to or from junction Illinois Highway 1 and U.S. Highway 24; (30) Between Chicago, Ill., and Milwaukee, Wis., for operating convenience only, serving no intermediate points; (31) Between Mendota, Ill., and Moline, Ill., serving the intermediate point of East Moline, Ill.; (32) Between La Crosse, Wis., and Austin, Minn., serving no intermediate points. In connection with the routes described in (Part 2) of (A) above, service is also authorized to and from the following intermediate or off-route points: (1) all points within 15 miles of Akron, Ohio; (2) all points within 5 miles each of Cleveland, Ohio, Minneapolis and St. Paul, Minn.; and (3) All points in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M.C.C. 673. Restriction: All of the operating authority in (Part 2) of (A) above shall be subject to the limitation that no shipments shall be transported over routes described thereunder between any two points, both of which are west of the Illinois-Indiana State Line, except that shipments may be transported from Minneapolis and St. Paul, Minn., to Chicago, Ill., and points in Illinois within the Chicago, Ill., Commercial Zone as defined above.

(Part 9) of (A) *General commodities* (except those of unusual value, Classes

A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cedar Rapids, Iowa, and Waverly, Iowa, serving no intermediate points; (2) between Dubuque, Iowa, and Cedar Rapids, Iowa, serving no intermediate points; (3) between Albert Lea, Minn., and Austin, Minn., serving no intermediate points; (4) Between Madison, Wis., and junction U.S. Highway 16 and Wisconsin Highway 30, approximately 17 miles west of Milwaukee, Wis., serving no intermediate points; (5) Between Janesville, Wis., and Delavan, Wis., serving no intermediate points and serving Delavan, Wis., for purposes of joinder only; (6) Between junction U.S. Highways 52 and 14 near Rochester, Minn., and junction U.S. Highways 14 and 61 near Winona, Minn., serving no intermediate points; (7) Between Milwaukee, Wis., and junction U.S. Highway 41 and Wisconsin Highway 57 at or near De Pere, Wis., serving no intermediate points; (8) Between junction U.S. Highway 41 and Illinois Highway 120, and Waukegan, Ill., serving no intermediate points; (9) Between junction U.S. Highway 41 and Wisconsin Highway 50, and junction Wisconsin Highways 50 and 32 (formerly Wisconsin Highway 42) at or near Kenosha, Wis., serving no intermediate points; (10) Between junction U.S. Highway 41 and Wisconsin Highway 20, and Racine, Wis., serving no intermediate points; (11) Between Beloit, Wis., and Milwaukee, Wis., serving no intermediate points; (12) Between Aurora, Ill., and junction U.S. Highways 12 and 18 at or near Cambridge, Wis., serving no intermediate points. Restriction: No shipments shall be transported over the Alternate routes specified under (Part 9) of (A) above, between any two points, both of which are west of the Illinois-Indiana State Line, except that shipments may be transported from Minneapolis and St. Paul, Minn., to Chicago, Ill., and points in Illinois within the *Chicago, Ill., Commercial Zone*, as dedefined by the Commission.

(Part 10) of (A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between St. Louis, Mo., and Indianapolis, Ind., serving no intermediate points. Restriction: No shipments shall be transported over the Alternate Route described under (PART 10) of (A) above, between any two points, both of which are west of the Illinois-Indiana State Line, and service over said route shall be further restricted against traffic transported between *St. Louis, Mo.,-East St. Louis, Ill., Commercial Zone*, as defined by the Commission, on the one hand, and Indianapolis, Ind., and Dayton, Ohio, on the other whether such traffic moves locally between said points or is interchanged at either of said points for movement to or beyond another of said points.

By the instant petition, petitioner seeks to modify the restrictions in (Part 2) of (A), (Part 9) of (A), and (Part 10) of (A). (Part 2) of (A), would read, restriction: All of the operating authority in (Part 2) of (A) above shall be subject to the limitations (1) that no shipments shall be transported over routes described thereunder between any two points, both of which are located in Illinois, Iowa, Minnesota, and Wisconsin, and (2) that such authority shall not be tacked with carrier's other authority at any point west of the Illinois-Indiana line for the purpose of providing any through service to or from points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Oklahoma, Texas, and Wisconsin; in (Part 9) of (A) the restriction would read the same as above, except that the words (Part 9) would appear in place of (Part 2) and in (Part 10) of (A) restriction would read,

Restriction: All of the operating authority in (Part 10) of (A) above shall be subject to the limitations (1) that no shipments shall be transported over routes described thereunder, between any two points, both of which are located in Illinois, Iowa, Minnesota, and Wisconsin, and (2) that such authority shall not be tacked with carrier's other authority at any point west of the Illinois-Indiana line for the purpose of providing any through service to or from points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Oklahoma, Texas and Wisconsin, and service over said route shall be further restricted against traffic transported between St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, on the one hand, and Indianapolis, Ind., and Dayton, Ohio, on the other, whether such traffic moves locally between said points or is interchanged at either of said points for movement to or beyond another of said points. Petitioner states that by virtue of other acquired authorities, which are not subject to the restriction at issue, the restriction has been nullified at all but 95 of petitioner's 1,587 direct service points in Illinois, Iowa, Minnesota, and Wisconsin. Petitioner states further that the purpose of the present petition is to eliminate circuitous operations, by way of a tacking point east of the Illinois-Indiana line, on traffic between the 95 still-restricted points on the one hand and 11 western states on the other hand, without making any change in petitioner's present local authority within Illinois, Iowa, Minnesota, and Wisconsin, or its authority between those states and states to the south thereof. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 107295 (Part A and Sub-No. 5) (Notice of filing of petition to modify commodity descriptions), filed January 7, 1976. Petitioner: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, 100 South Main Street, Farmer City, Ill. 61842. Petitioner's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Petitioner holds motor *common carrier* certificates in No. MC 107295 and (Sub-No. 5), issued May 14, 1962 and January 29, 1952, respectively, authorizing transportation, as pertinent, over irregular routes, in MC 107295 a portion of Part (A) of *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections, and *all component parts* necessary, to the construction, erection, or completion of such buildings or houses, when shipped with same, between points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia; and in MC 107295 (Sub-No. 5), of *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof, and *equipment* and *materials* incidental to the erection and completion of such buildings, between points in Arkansas, Illinois, and Wisconsin, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, New York, Oklahoma, Pennsylvania, Texas, Illinois, Indiana, Michigan, Wisconsin, Ohio, Arkansas, Iowa, Kentucky, Missouri, and Tennessee.

By the instant petition, petitioner seeks to modify the lead commodity description which is a portion of Part A so as to read, *Buildings*, complete, knocked down, or in sections, building panels, building parts, and when transported in connection with the transportation of such buildings, all component parts thereof, and equipment and materials incidental to the erection, completion, and expansion of such buildings; and in MC 107295 (Sub-No. 5) petitioner seeks to modify the commodity description so as to read, *Buildings*, complete, knocked down, or in sections, building panels, building parts, and when transported in connection with the transportation of such buildings, all component parts thereof, and equipment and materials incidental to the erection, completion, and expansion of such buildings. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115841 (Sub-No. 72) (Notice of filing of petition to modify commodity description), filed January 12, 1976. Petitioner: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Petitioner's representative: C. E. Wesley (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 115841 (Sub-No. 72), issued November 15, 1961, authorizing transportation, over irregular routes, of *Prepared foods*, in vehicles equipped with mechanical refrigeration and moving in combination loads with shipments of

frozen foods, from Nashville, Tenn., to points in Alabama, Mississippi, and Louisiana.

By the instant petition, petitioner seeks to delete *Prepared foods* from the above described commodity description, and to substitute *Foodstuffs* in lieu thereof. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 120927 (Sub-No. 3) (Notice of filing of petition for removal of restriction), filed December 12, 1975. Petitioner: BESTWAY EXPRESS, a Corporation, 1112 Key Road, P.O. Box 77, Columbia, S.C. 29201. Petitioner's representative: John H. Caldwell, 914 Washington Building, Washington, D.C. 20005. Petitioner holds a motor *common carrier* certificate in No. MC 120927 (Sub-No. 3), issued November 20, 1973, authorizing transportation, over irregular routes, of (1) *General commodities* (except petroleum products and chemicals in bulk, Classes A and B explosives, and household goods as defined by the Commission), (a) between points in Lexington and Richland Counties, S.C.; and (b) between points in Lexington and Richland Counties, S.C., on the one hand, and, on the other, points in South Carolina, restricted to the transportation of traffic in packages not to exceed 550 pounds in weight; and (2) *General commodities* (except chemicals and petroleum products, in bulk, Classes A and B explosives, and household goods as defined by the Commission), (a) between points in Charleston and Beaufort Counties, S.C.; and (b) between points in Charleston and Beaufort Counties, S.C., on the one hand, and, on the other, points in South Carolina.

By the instant petition, petitioner seeks to eliminate the weight restriction in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 139858 (Notice of filing of petition to modify permit), filed January 7, 1976. Petitioner: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, Ohio 45015. Petitioner's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Petitioner holds a motor *contract carrier* permit in No. MC 139858 issued April 9, 1975, authorizing transportation, as pertinent, over irregular routes, of (1) *Plumbers goods and fittings*, (b) from Monson, Mass., to points in Ohio, Illinois, Indiana, Kentucky, and Michigan, restricted to traffic originating at or destined to the facilities of American Standard, Inc., and further restricted to a transportation service to be performed under a continuing contract, or contracts, with American Standard, Inc.

By the instant petition, petitioner seeks to delete American Standard, Inc., as a contract shipper in (1)(b) above, and to substitute in lieu thereof, Forbes-Wright Industries, Inc. The rest of the authority remains the same. Any interested person or persons desiring to particpiate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 99314 (Sub-No. 2), filed December 19, 1975. Applicant: WILLIAM E. LEWIS, INC., P.O. Box 10820, Houston, Tex. 17018. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in main lines), between points in Louisiana and Texas, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

NOTE.—This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC-F-12685 published in the FEDERAL REGISTER issue of December 3, 1975. If a hearing is deemed necessary, applicant does not state a location.

No. MC 109324 (Sub-No. 32), filed December 29, 1975. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, P.O. Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Booneville, Ark. and Danville, Ark.: From Booneville over Arkansas Highway 10 to Danville, serving all intermediate points, (2) Between Danville, Ark. and Little Rock, Ark., serving all intermediate points: From Danville over Arkansas Highway 10 to Little Rock, and return over the same route, (3) Between Arkansas River and Plainview, Ark., serving all intermediate points: From the Arkansas River over Arkansas Highway 60 to Plainview, and return over the same route, (4) Between the junction of Arkansas Highway 60 and 113 and the junction of Arkansas Highway 113 and 10, serving all intermediate points and the off-route point of Fourche: From junction Arkansas Highway 60 and 113 over Arkansas Highway 113 to junction of Arkansas Highway 10, and return over the same route, (5) Between Ola, Ark., and the junction of Arkansas Highway 7 and 60, serving all intermediate points: From Ola over Arkansas Highway 7 to junction of Arkansas Highway 60, and return over the same route, (6) Between Ola, Ark. and Rover, Ark., serving all intermediate points and the off-route point of Kingston: From Ola over Arkansas Highway 28 to Rover, and return over the same route, (7) Between Rover, Ark. and Danville, Ark., serving all intermediate points: From Rover over Arkansas Highway 27 to Danville, and return over the same route.

(8) Between Booneville, Ark. and State Senatorium, Ark., serving all intermediate points: From Booneville over Arkansas Highway 116 to junction of Arkansas Highway 23, thence over Arkansas Highway 23 to State Sanatorium, and return over the same route, (9) Between Morrilton, Ark. and Little Rock, Ark.: From Morrilton over U.S. Highway 64 to Conway, Ark., thence over U.S. Highway 65 to Little Rock, and return, serving all intermediate points, (10) Between Conway, Ark. and Shirley, Ark.: From Conway over U.S. Highway 65 to Clinton, Ark., thence over State Highway 9 to Shirley, and return, serving no intermediate points between Conway and Clinton except shipments originating or terminating at Clinton and Shirley, and (11) Between Clinton, Ark. and Fairfield Bay, Ark.: From Clinton over State Highway 9 to the junction of Arkansas State Highway 16, thence over Arkansas State Highway 16 to the junction of Arkansas State Highway 330, thence over Arkansas State Highway 330 to Fairfield Bay, and return, serving all intermediate points.

NOTE.—The purpose of this application is to convert the above described Certificates of Registration to Certificates of Public Convenience and Necessity. Common control may be involved. This is a matter directly related to a Section 5(2) proceeding in MC-F-12717 published in the FEDERAL REGISTER issue of December 19, 1975. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 127974 (Sub-No. 6), filed December 29, 1975. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: George C. O'Brien, 15 Court

Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, and commodities in bulk), between points in Massachusetts.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. Applicant states that the requested authority will be tacked at Auburn, Framingham, Seekonk, Springfield, and Weymouth, Mass. This is a matter directly related to a Section 5(2) proceeding in MC-F-12745 published in the FEDERAL REGISTER issue of January 28, 1976. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or New York, N.Y.

No. MC-F-12715. (Correction), Overnite Transportation Company—Purchase (Portion)—Kent Freight Lines, Inc. Published in the FEDERAL REGISTER December 31, 1975 on page 60134. Prior notice should read as follows: "general commodities, with exceptions, between Balitmore, Md., on the one hand, and, on the other, points in Baltimore and Harford Counties, Md., with restriction between Aberdeen, Md., and points within 10 miles thereof, on the one hand, and, on the other, Camden, N.J., points in Delaware north of the Chesapeake-Delaware Canal, and points in Pennsylvania within 75 miles of Aberdeen except those in Adams, Dauphin, Franklin, and Lancaster Counties, Pa., and in Chester County, Pa., on and west of Pennsylvania Highway 896;" general commodities, with exceptions, over regular routes is authorized "at all off-route points in Cecil, Kent, Queen Annes, Caroline, and Talbot Counties, Md., and at those in Dorchester County, Md., which are 75 miles of Aberdeen, Md." general commodities, with exceptions, over regular routes is authorized "at off-route points in Anne Arundel and Prince Georges Counties, Md." with restriction.

No. MC-F-12741. (Correction), Penguin Trucking Co., Inc.—Purchase—(B) Alco Transportation Co., and (BB) Alco Fast Freight, Inc., published in the FEDERAL REGISTER January 28, 1976 on page 4086. Prior notice should read MC-F-12741; No. MC-98886 (Sub No.2) and MC-120936 (Sub No. 1) as common carriers in *interstate* commerce. Also delete the words *with restriction* on each of the directly related proceedings.

MOTOR CARRIER PASSENGER

No. MC-F-12763. Authority sought for control and merger by DENVER-COLORADO SPRINGS-PUEBLO MOTORWAY, INC., doing business as CONTINENTAL TRAILWAYS, 2450 Curtis St., Denver, CO 80205, of the operating rights and properties of VALLEY TRANSIT LINES, INC., doing business as CONTINENTAL TRAILWAYS, also of Denver, CO 80205, and for acquisition by CONTINENTAL TRAILWAYS, INC., 315 Continental Ave., Dallas, TX 75207, and TCO INDUSTRIES, INC., 1500 Jackson St., Dallas, TX 75201, of control of such rights and properties through the transaction. Applicants' attorneys: D. Paul Stafford and Gayla L. Campbell, 315 Continental Ave., Dallas, TX 75207. Operating rights sought to be controlled and merged: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Taos, N. Mex., and Fort Garland, Colo., serving all intermediate points. DENVER-COLORADO SPRINGS-PUEBLO MOTORWAY, INC., is authorized to operate as a broker, between points and places in the United States. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12765. Authority sought for merger by WOOSTER EXPRESS, INC., 150 Strong Road, South Windsor, CT 06074, of the operating rights and properties of BALTIMORE-NEW YORK EXPRESS, INC., also of South Windsor, CT 06074, and for acquisition by PATSY RAVALESE, 101 Uplands Dr., W. Hartford, CT, JOSEPH RAVALESE, JR., 75 Hunter Dr., W. Hartford, CT, and JOSEPH RAVALESE, 1028 Farmington Ave., W. Hartford, CT, of control of such rights and properties through the transaction. Applicants' attorneys: John M. Ballenger, and Russell R. Sage, 6121 Lincolnia Rd., Alexandria, VA 22312. Operating rights sought to be merged: (A) *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, serving all intermediate and various off-route points, with restriction; between Baltimore, Md., and Washington, D.C., serving all intermediate points, and various off-route points, with restriction; (B) *general commodities*, between Baltimore, Md., and New York, N.Y., serving various intermediate and off-route points; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between Aberdeen, Md., on the one hand, and, on the other, New York, N.Y., points on Long Island, N.Y., and points in New Jersey, with restriction, between points in Harford County, Md., on the one hand, and, on the other, points in that part of Maryland within 60 miles of Bel Air, Md., other than Baltimore, Md., and that part of Pennsylvania south and east of U.S. Highway 1, within 60 miles of Bel Air, Md., including points on the indicated porton of the highway specified, between Baltimore, Md., on the one hand, and, on the other, points in the District of Columbia, and points in Maryland except those in Harford County and those east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, between Oxford and West Grove, Pa., and points in Pennsylvania within 5 miles of West Grove, on the one hand, and, on the other, points in New Jersey, those in New York, N.Y., and on Long Island, N.Y., those in that part of Maryland west of the Chesapeake Bay and on and east of U.S. Highway 1, and those in that part of Delaware north of the Chesapeake and Delaware Canal, between Wilmington, Del., on the one hand, and, on the other, points in that part of Delaware and Pennsylvania on and east of that portion of U.S. Highway 13, between Wilmington, Del., and Philadelphia, Pa., including Wilmington and Philadelphia, with restriction. WOOSTER EXPRESS, INC., is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to No. MC-F-11831, by order dated March 21, 1973, transferee acquired control of transferor.

No. MC-F-12766. Authority sought for control by STANDARD MOTOR FREIGHT, INC., 2700 Smallman St., Pittsburgh, PA 15222 of LIGHTNING EXPRESS, INC., 2701 Railroad St., Pittsburgh, PA 15222, and for acquisition by PEERLESS TRANSPORT CORP., also of Pittsburgh, PA 15222, of control of LIGHTNING EXPRESS, INC., through the acquisition by STANDARD MOTOR FREIGHT, INC. Applicant's attorneys: Paul S. Barbire, 18 Glen Road, Rutherford, NJ 07070, and John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and other *specified commodities*, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in Maryland, Ohio, Pennsylvania, and West Virginia, serving various intermediate and off-route points; over one alternate route for operating convenience only, as more specifically described in Docket No. MC 87786 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. STANDARD MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.76-4043 Filed 2-10-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

FEBRUARY 6, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Com-

mission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 23, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 504 (Sub-No. E6) (Correction), filed May 31, 1974, and published in the FEDERAL REGISTER July 31, 1975, and republished as corrected in this issue. Applicant: HARPER MOTOR LINES, INC., P.O. Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble and granite;* (1) from points in South Carolina to points in Missouri (except St. Louis, Mo., and points in St. Charles, St. Louis, Jefferson, and Franklin); and (2) from points in South Carolina, on and west of U.S. Highway 25 to points in North Carolina, on and east of U.S. Highway 17. The purpose of this filing is to eliminate the gateway of Elberton, Ga., and points within 25 miles thereof. The purpose of this correction is to reflect the correct points set off by parentheses in (1) above.

No. MC 102567 (Sub-No. E8) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 23, 1975, and republished as corrected in this issue. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5327, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as *Liquid chemicals* (petrochemicals), in bulk, in tank vehicles, from those points in Texas and Arkansas within 150 miles of Henderson, Tex., and north and west of a line beginning at Ft. Worth, Tex., and extending along Interstate Highway 20 to junction Interstate Highway 30, to junction U.S. Highway 82, to junction Arkansas Highway 98, to junction U.S. Highway 79, to junction Arkansas Highway 57, to junction Arkansas Highway 4, to junction Arkansas Highway 19, to junction Arkansas Highway 26, to junction Arkansas Highway 27, to Kirby, Ark., to those points in Louisiana east of a line beginning at Arkansas-Louisiana State line and extending along U.S. Highway 79 to junction Louisiana Highway 9, to junction Louisiana Highway 147, to junction U.S. Highway 167, to junction U.S. Highway 90, to junction Louisiana Highway 317, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of plantsite of Dow Chemical Company, U.S.A., in Columbia County, Ark. The purpose of this correction is to reflect destination points that were inadvertently omitted in the publication.

No. MC 102567 (Sub-No. E34) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 23, 1975, and republished as shown this issue. Applicant: McNAIR TRANSPORT, INC., P.O. Box 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquified petroleum gas) as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209), in bulk, in tank vehicles, from all points in Arkansas, Texas, and Louisiana, within 150 miles of Henderson, Texas, which are east of a line beginning at Mena, Ark., and extending along U.S. Highway 71, to junction Louisiana Highway 1, to junction Louisiana Highway 8, to junction U.S. Highway 165 at Pollock, La., to those points in Texas south of a line beginning at the Gulf of Mexico and extending along Texas Highway 44 to junction U.S. Highway 59, to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Shreveport, Bossier City, and Cotton Valley, La., and points within 5 miles of Cotton Valley. The purpose of this correction is to correct typographical errors.

No. MC 102567 (Sub-No. E157) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 29, 1975, and republished in this issue as shown. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products, as are *dry chemicals*, in bulk, in tank vehicles, from those points within 150 miles of Henderson, Tex., which are north and west of a line beginning at Ft. Worth, and extending along Interstate Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 8, thence along Texas Highway 8 to the Oklahoma-Texas State line to those points in Alabama south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 84 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction U.S. Highway 331, thence along U.S. Highway 331 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Baton Rouge, La. The purpose of this correction is to reflect the correct destination points.

No. MC 113855 (Sub-No. E30), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* which because of size or weight require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Iowa on and west of U.S. Highway 71 and on and north of Iowa Highway 175, on the one hand, and, on the other, (i) points in Missouri on and west of U.S. Highway 71 and on and south of U.S. Highway 40, and points in Wisconsin, Illinois, Indiana, and Michigan. (South Dakota, or points in Minnesota within 50 miles of Sioux Falls, S.D.)* (ii) points in Ohio and Pennsylvania. (South Dakota)* (B) between points in Iowa on and west of U.S. Highway 71, on the one hand, and, on the other, points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 16 to junction Wisconsin Highway 33, to junction Wisconsin Highway 68, to junction U.S. Highway 151 to Lake Michigan, and points in the Upper Peninsula of Michigan. (South Dakota, or points in Minnesota within 50 miles of Sioux Falls, S.D.)* (C) between points in Iowa south of Iowa Highway 175 and on and west of U.S. Highway 71, on the one hand, and, on the other, points in Ohio on and north of U.S. Highway 422, and points in Pennsylvania on and east of Pennsylvania Highway 51. (South Dakota)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E31), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *farm machinery and parts*, (A) between points on U.S. Highway 52 between Minot and Portal, N.D., including the named points, on the one hand, and, on the other, points in South Dakota on and south of South Dakota Highway 34 and on and east of South Dakota Highway 37. (B) between (i) Sykeston, Logan, and Heaton, N.D.; (ii) points on U.S. Highway 52 between North Dakota Highway 200 and Minot, N.D., including Minot; (iii) points on U.S. Highway 281 between Carrington and New Rockford, N.D.; (iv) points on North Dakota Highway 15 between New Rockford and Fessenden,

N.D., including the named points; (v) Buxton, Reynolds, Thompson, McVille, Northwood, Finley, Page, Erie, Galesburg, Cooperstown, Grand Forks, and Garrison, N.D.; (vi) points on U.S. Highway 83 between Bismarck, N.D., and junction North Dakota Highway 41, and points on North Dakota Highway 41 between said junction and Velva, N.D., including Bismarck, Velva, and the described junction; (vii) points on U.S. Highway 83 between junction U.S. Highway 83 and North Dakota Highway 41 and Minot, N.D., and points on U.S. Highway 52 between Minot and Portal, N.D., including the named points, on the one hand, and, on the other, points in Illinois, points in Iowa, on and east of U.S. Highway 169 and points in Wisconsin, on and east of U.S. Highway 53. The purpose of this filing is to eliminate the gateway of East Grand Forks, Minn.

No. MC 113855 (Sub-No. E141), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *agricultural machinery, and implements*, other than hand, as described in Section 1 (B) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors*, restricted against iron and steel articles and restricted further to commodities which because of size or weight require the use of special equipment, and (2) *self-propelled articles* described in (1) above, each weighing 15,000 pounds or more, and *related machinery and parts* moving in connection therewith, (restricted to commodities transported on trailers), (A) (i) from points in Massachusetts, Connecticut, Rhode Island, and New Jersey to points in Arizona and New Mexico; (ii) from points in New York east of a line beginning at Lake Ontario and extending along New York Highway 78 to junction New York Highway 16, to the New York-Pennsylvania State line, to points in Arizona; (iii) from points in New York on and east of U.S. Highway 219 and on and north of U.S. Highway 20, to points in Arizona west of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 66 to junction Arizona Highway 77, to junction U.S. Highway 89, to the United States-Mexico International Boundary line; (iv) from points in New York on and east of New York Highway 14, to points in New Mexico; (v) from points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 18 to junction U.S. Highway 15, to the New York-Pennsylvania State line, to points in New Mexico north and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 54 to junction U.S. Highway 285, to the New Mexico-Texas State line.

(vi) From points in Delaware and points in Maryland on and east of U.S. Highway 11, to points in Arizona; (vii) from points in Virginia on, east and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to junction U.S. Highway 522, to junction U.S. Highway 33, to junction U.S. Highway 60, to junction U.S. Highway 17, to the Virginia-North Carolina State line, and points in Currituck, Camden, and Pasquotank Counties, N.C., to points in Arizona (except Cochise County); (viii) from points in Delaware and points in Maryland on and east of U.S. Highway 15, to points in New Mexico on and north of U.S. Highway 70; (Scranton or Allentown, Pa.; Elgin, Ill.; and Davenport, Iowa)* (B) (i) from points in West Virginia, Ohio, and points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 150 to junction Interstate Highway 75, to the Kentucky-Tennessee State line, to points in Arizona; (ii) from points in Ohio, and points in West Virginia on and north of U.S. Highway 60, to points in New Mexico; (iii) from points in Kentucky west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 150 to junction Interstate Highway 75, to the Kentucky-Tennessee State line, and east of U.S. Highway 231, to points in Arizona on and west of U.S. Highway 89; (iv) from points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 150 to junction Interstate Highway 75, to the Kentucky-Tennessee State line, to points in New Mexico on and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 54 to junction U.S. Highway 285, to the New Mexico-Colorado State line; (v) from points in Indiana south of U.S. Highway 150, to points in Yuma and Maricopa counties, Ariz.; (vi) from points in Indiana on and north of Interstate Highway 74 and on and east of Interstate Highway 65, to points in New Mexico on and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 54 to junction U.S. Highway 285 to the New Mexico-Colorado State line. (Elgin, Ill., and Davenport, Iowa)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E165), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *road construction equipment and machinery and lift trucks*, which because of size or weight require the use of special equipment, and (2) *self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more, (restricted to commodities transported on trailers), (i) from points in Minnesota, and points in North Dakota south of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, to the United States-Canada International Boundary line, excluding points on the specified highways but including Minot, to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Virginia, North Carolina, and the Lower Peninsula of Michigan; (Minneapolis or St. Paul, Minn., or points within 15 miles thereof)* (ii) from points in North Dakota on and north of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, to the United States-Canada International Boundary line (except Minot), to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Virginia, North Carolina, and the Lower Peninsula of Michigan; (South Dakota; Minneapolis or St. Paul, Minn., or points within 15 miles thereof)* (B) (1) *street sweeping machines* which because of size or weight require the use of special equipment, and *related street sweeper parts and attachments* when their transportation is incidental to the transportation by said carrier of the above-described commodities, and

(2) *Self-propelled articles* described in (1) above, each weighing 15,000 pounds or more, and *related machinery, and parts* moving in connection therewith (restricted to commodities transported on trailer); (i) from points in Minnesota, and points in North Dakota south of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1 to the United States-Canada International Boundary line, excluding points on the specified highways but including Minot, to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Virginia, North Carolina, Louisiana, Maryland, the Lower Peninsula of Michigan, and the District of Columbia; (Minneapolis, Minn.)* (ii) from points in North Dakota on and north of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, to the United States-Canada International Boundary line (except Minot), to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Virginia, North Carolina, Louisiana, Maryland, the Lower Peninsula of Michigan, and the District of Columbia. (South Dakota, and Minneapolis, Minn.)*

(C) (1) *Road construction machinery and equipment*, as defined by the Commission, and (2) *lift trucks* in flat bed trailers only, restricted in (1) and (2) to the transportation of commodities which

because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both; (i) from points in Minnesota, and points in North Dakota south of a line beginning at the Montana-North Dakota State line and extending along United States Highway 2 to junction North Dakota Highway 1, to the United States-Canada International Boundary line, excluding points on the specified highways, but including Minot, to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Virginia, North Carolina, and the Lower Peninsula of Michigan (except Benton Harbor and Battle Creek); (Minneapolis or St. Paul, Minn., or points within 15 miles thereof)* (ii) from points in North Dakota on and north of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, to the United States-Canada International Boundary line (except Minot), to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, the Lower Peninsula of Michigan (except Benton Harbor and Battle Creek).* (South Dakota; Minneapolis or St. Paul, Minn., or points within 15 miles thereof.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E384), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *street sweeping machines* (except commodities which because of size or weight require the use of special equipment or special handling), in flat bed trailers only; (A) from points in Nevada, to points in Maine, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Delaware, Virginia, Michigan, Maryland, Ohio, West Virginia, Pennsylvania, New Jersey, Wisconsin, the District of Columbia, and points in Tennessee on and east of Tennessee Highway 70; (B) from points in Nevada (except points in White Pine, Lincoln, Clark, Nye and Esmeralda counties), to points in Georgia, Alabama (except Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia counties), points in Tennessee in and east of Hardin, Decatur, Benton and Henry counties, which are west of Tennessee Highway 70 and points in Kentucky, and Illinois; (C) between points in Nevada (except Clark, Lincoln, Nye and Esmeralda counties, on the one hand, and, on the other, points in South Carolina, North Carolina, and Florida (except Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay counties); (D) between points in Nevada (except Clark County), on the one hand, and, on the other, points in Indiana (except Hammond, Whiting, East Chicago and Gary); (E) from points in Maine, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Delaware, Virginia, Michigan (except Benton Harbor and Battle Creek), and points in Tennessee on and east of Tennessee Highway 70, to points in Nevada; (F) from points in Georgia, Alabama (except Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia counties), points in Tennessee in and east of Hardin, Decatur, Benton and Henry counties, which are west of Tennessee Highway 70, and points in Kentucky, to points in Nevada (except White Pine, Lincoln, Clark, Nye and Esmeralda counties). The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 113855 (Sub-No. E385), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (i) *road construction machinery and equipment*, as defined by the Commission, and (ii) *lift trucks*, in flat bed trailers only, restricted to commodities in (i) and (ii) above which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both; (A) between points in Nevada, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, New York, Delaware, Virginia, and points in Tennessee on and east of Tennessee Highway 70; (B) between points in Nevada (except White Pine, Lincoln, Clark, Nye, and Esmeralda counties), on the one hand, and, on the other, points in Georgia, Alabama (except Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia counties) and points in Tennessee in and east of Hardin, Decatur, Benton and Henry counties, which are west of Tennessee Highway 70; (C) between points in Nevada (except Clark, Lincoln, Nye, and Esmeralda counties), on the one hand, and, on the other, points in South Carolina and points in Florida (except Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington and Bay counties). (Utah; South Dakota; and Minneapolis or St. Paul, Minn., or points within 15 miles thereof)*

(2) *Road construction machinery and equipment*, as defined by the Commission, and lift trucks (except commodities which because of size or weight require the use of special equipment), in flat bed trailers only; (A) between points in Nevada, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Delaware, Virginia, points in Tennessee on and east of Tennessee Highway 70, and points in Michigan (except Benton Harbor and Battle Creek); (B) between points in Nevada (except Clark, Lincoln, and Nye, and Esmeralda counties), on the one hand, and, on the other, points in South Carolina, North Carolina, and Florida (except Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay counties); (C) between points in Nevada (except Clark county), on the one hand, and, on the other, points in Indiana (except Hammond, Whiting, East Chicago and Gary); (D) from points in Nevada (except White Pine, Lincoln, Clark, Nye, and Esmaralda counties), to points in Kentucky, Georgia, Alabama (except Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia counties), and points in Tennessee, in and east of Hardin, Decatur, Benton, and Henry counties which are west of Tennessee Highway 70; (E) from points in Kentucky, Georgia, Alabama (except Choctaw, Washington, Mobile, and Baldwin counties), points in Tennessee in and east of Hardin, Decatur, Benton, and Henry counties, which are west of Tennessee Highway 70, to points in Nevada (except White Pine, Lincoln, Clark, Nye and Esmeralda counties). (Minneapolis or St. Paul, Minn., or points within 15 miles thereof)*. The purpose of this filing to to eliminate the gateways indicated by asterisks above.

No. MC 4405 (Sub-No. E77), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: *Electrical transformers* and *switchgears* which, because of size or weight require the use of special equipment; (a) from points in Mississippi, Alabama, Georgia, and Florida to points in Washington, Oregon, Idaho, Utah, those in Montana west of the western boundary of Rosebud, Powder River, Garfield, and Phillips Counties; those in Wyoming west of the western boundaries of Campbell, Converse, and Albany Counties; (b) from points in Florida, and those portions of Mississippi, Alabama, and Georgia on and south of a line extending east from the Mississippi-Arkansas State line and extending along U.S. Highway 82 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 278, thence along U.S. Highway 278 to the South Carolina-Georgia State line, to points in Colorado; Platte, Goshen, Converse, Albany, Campbell, Crook, Weston, Laramie, and Niobrara Counties, Wyo., points east of the western boundaries of Rosebud, Powder River, Garfield, and Phillips Counties, Mont.; South Dakota; those in North Dakota on and west of North Dakota Highway 1; and Oklahoma; (c) from those points in Mississippi, Alabama, and Georgia on and south of a line beginning at the Mississippi-Arkansas State line, and extending along U.S. Highway 82 to Waycross, Ga., thence along U.S. Highway 84 to the Atlantic Ocean, and Florida to points in Kansas, Nebraska, Minnesota, those

in Iowa on and west of U.S. Highway 63, and those in North Dakota east of North Dakota Highway 1; (d) from those points in Mississippi, and south of Warren, Hinds, Rankin, Smith, Jasper, and Wayne Counties; Washington; Mobile, and Baldwin Counties, Ala., and points in and west of Jackson, Calhoun, and Gulf Counties, Fla. to points in Illinois, Missouri, Wisconsin, and Iowa east of U.S. Highway 63; and (e) from points in Dade and Monroe Counties, Fla., to points in Wisconsin; those in Illinois on and west of Interstate Highway 57; those in Iowa, east of U.S. Highway 63; and Missouri. The purpose of this filing is to eliminate the gateway of Crystal Springs, Miss.

No. MC 4405 (Sub-No. E78), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers* and *switchgears* which, because of size or weight require the use of special equipment; (a) from points in South Carolina to points in Washington, Oregon, Idaho, Wyoming, Utah, and Montana (except Daniels, Sheridan, Valley, Dawson, Wibaux, Richland, Roosevelt, and McCone Counties; (b) from points in North Carolina to points in Washington, Oregon, Idaho, Utah, and those in Montana in and west of Park, Meagher, Cascade, Teton, and Flathead Counties; (c) from those points in North Carolina south of the northern boundaries of Haywood, Buncombe, McDowell, Burke, Catawba, Iredell, Davie, Davidson, Randolph, Chatham, Wake, Johnston, Wilson, Edgecombe, Martin, Bertie, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties to those points in Wyoming, in and west of Sheridan, Johnson, Natrona, Albany, and Laramie Counties; (d) from points in Tennessee, south of the northern boundaries of Shelby, Fayette, Madison, Henderson, Decatur, Perry, Hickman, Williamson, Davidson, Wilson, DeKalb, Putnam, Cumberland, Morgan, Anderson, Knox, Jefferson, and Cocke Counties to points in Oregon and Washington; (e) from those points in Tennessee, south of the northern boundaries of Shelby, Fayette, Hardeman, McNary, Hardin, Wayne, Laurence, Maury, Marshall, Bedford, Coffee, Warren, Van Buren, Bledsoe, Rhea, Roane, Anderson, Knox, Jefferson and Cocke Counties to Idaho, Tooele, Box Elder, Cache, Rich, Summitt, Wasatch, Utah, Salt Lake, Davis, Morgan, and Weber Counties, Utah; Montana, points in and west of Madison, Jefferson, Powell, and Missoula Counties; Park, Teton, Sublette, Lincoln, and Unita Counties, Wyo.; and (f) from points in and east of Greene, Hawkins, and Hancock Counties, Tenn., to points in Unita, Teton, and Lincoln Counties, Wyo., Idaho; Oregon; Washington; those in Montana in and west of Park, Meagher, Cascade, Teton, and Flathead Counties. The purpose of this filing is to eliminate the gateway of Crystal Springs, Miss.

No. MC 4405 (Sub-No. E79), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregulaar routes, transporting: *Electrical transformers* and *switchgears* which, because of size or weight require the use of special equipment, from points in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, points in Clark County; Nevada; Arizona; New Mexico; Texas; those points in Arkansas south of the northern boundaries of Sevier, Howard, Pike, Clark, Ouachita, Calhoun, Bradley, Drew, and Desha Counties to points in Delaware, Connecticut, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Crystal Springs, Miss.

No. MC 4405 (Sub-No. E80), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith; (a) between points in Davis, Morgan, Weber, Utah, and Salt Lake Counties, Utah (except points in Utah County east of U.S. Highway 91), on the one hand, and, on the other, those points in Florida east of Okaloosa County; (b) between points in Utah south of the northern boundary of Tooele County and west of the eastern boundaries of Tooele, Juab, Millard, Sevier, Piute, Iron, and Washington Counties, on the one hand, and, on the other, points in Florida; (c) between points in Salt Lake, Davis, Morgan, and Weber Counties, Utah, on the one hand, and, on the other, points in Okaloosa County, Fla.; and (d) between points in Sanpete and Carbon Counties, Utah, on the one hand, and, on the other, points in Dade and Monroe Counties, Fla. The purpose of this filing is to eliminate the gateways of points in Mississippi, Texas, New Mexico, and California.

No. MC 4405 (Sub-No. E81), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in California, on the one hand, and, on the other, points in Arizona [except (a) between points in California south of the northern boundary of Riverside County, west of the eastern boundary of Los Angeles County and south of the northern boundaries of Ventura and San Bernardino Counties, on the one hand, and, on the other, points in Yuma, Maricopa, Pinal, and Pima Counties, Ariz.; and (b) between points in Mohave County, Ariz., on and south of Arizona Highway 68 and on, south, and west of U.S. Highway 93, on the one hand, and, on the other, points in San Bernardino County, Calif., on and south of Interstate Highway 40 to Newberry, and on and east of an unnumbered highway from Newberry to Morongo to junction California Highway 62 to the Riverside County line]. The purpose of this filing is to eliminate the gateway of points in Nevada.

No. MC 4405 (Sub-No. E82), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith; (a) between points in Indiana and Ohio, on the one hand, and, on the other, points in California (except between points in Lake, Porter, LaPorte, St. Joseph, Steuben, Elkhart, and LaGrange Counties, Ind., on the one hand, and, on the other, points in Modoc County, Calif.; (b) between points in Indiana in and north of Benton, White, Cass, Fulton, Marshall, Elkhart, LaGrange, and Steuben Counties, on the one hand, and, on the other, points in Nevada on, west, and south of a line beginning at the Utah-Nevada State line and extending along Nevada Highway 25 to Warm Springs, thence along U.S. Highway 6 to Tonopah, thence along U.S. Highway 95 to Fallon, thence along Alternate U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line; (c) between points in Indiana south of the southern boundaries of Benton, White, Cass, Fulton, Elkhart, LaGrange, and Steuben Counties, on the one hand, and, on the other, points in Nevada on and south of a line extending along U.S. Highway 50 west from the Utah-Nevada State line to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the California-Nevada State line; (d) between points in Indiana on and south of U.S. Highway 40, on the one hand, and, on the other, points in Nevada on and north of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 50 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to Wadsworth, thence along U.S. Highway 40 to the California-Nevada State line; and (e)

between points in Ohio on, south, and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to Lake Erie, on the one hand, and, on the other, points in Nevada (except those in Elko County north of U.S. Highway 40 and east of U.S. Highway 93. The purpose of this filing is to eliminate the gateways of points in Arkansas, Texas, New Mexico, and Nevada or points in California south of a line extending easterly from the Pacific Ocean through Monterey, Salinas, Fresno, Dunlap, and Independence, Calif., to the California-Nevada State line for part (a) above, and points in Arkansas, Texas, and New Mexico for part (3) above.

No. MC 31462 (Sub-No. E420), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Mississippi, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point within 25 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 66886 (Sub-No. E36), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between points in Nebraska, on the one hand, and, on the other, points in New Jersey, Florida, Georgia, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, Connecticut, New York, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Arkansas, Oklahoma, and Vermont. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E38), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on and south of U.S. Highways 26 and 30, on the one hand, and, on the other, those points in Ohio on, south and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E39), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on, south and east of a line beginning at the Nebraska-Colorado State line and extending along Interstate Highway 80 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line, on the one hand, and, on the other, those points in Washington on and west of Interstate Highway 5. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E41), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on, south and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 83 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E42), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on, south and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 83 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E43), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on, south and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 83 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E44), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on and south of U.S. Highways 26 and 30, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E46), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on and south of U.S. Highway 30, on the one hand, and, on the other, those points in Wyoming on and west of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 87 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 799, thence along Wyoming Highway 799 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Wyoming-Montana State line. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E48), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on and south of U.S. Highways 26 and 30, on the one hand, and, on the other, those points in Indiana on and south of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E49), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Oklahoma on and north of Interstate Highways 44 and 40, on the one hand, and, on the other, those points in Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 16 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Arkansas Highway 119, thence along Arkansas Highway 119 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateways of Kansas or Texas.

No. MC 66886 (Sub-No. E50), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in New Mexico on and south of U.S. Highways 54 and 60, on the one hand, and, on the other, those points in Nebraska on and east of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 66886 (Sub-No. E51), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on, south and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 83 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 61, on the one hand, and, on the other, points in California. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E52), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Oklahoma on and east of U.S. Highway 83, on the one hand, and, on the other, those points in Colorado on, north and west of a line beginning at the Colorado-New Mexico State line and extending along Interstate Highway 25 to junction Colorado Highway 96, thence along Colorado Highway 96 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E54), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight, requires the use of special equipment, between those points in Nebraska on, south and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 83 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 107012 (Sub-No. E145), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New tub and shower enclosures*, uncartoned, (1) from points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Cleburne, Clay, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, Shelby, St. Clair, Talladega, Tallapoosa counties, Ala., to points in Mendicino Lake, Humboldt, Glenn, Trinity, Tehama, Butte, Lassen, Nevada, Plumas, Modoc, Shasta, Sierra, Siskiyou, Yuba counties, Calif., points in Idaho; points in Winnebago, Winneshiek, Worth, Wright, Buchanan, Butler, CerroGord, Chickasaw, Clayton, Delaware, Hancock, Howard, Mitchell, Allamakee, Black Hawk, Fayette, Bremer, Franklin, Floyd counties, Iowa; Washington, Waldo, Knox, Hancock, Somerset, Piscataquis, Penobscot, Aroostook, Counties, Maine; points in Minnesota; Mineral, Storey, Washoe, Douglas, Lyon, Humboldt, Ormsby, Churchill, Pershing, Elko, Whitepine Counties, Nev.; Grafton, Carroll, Coos Counties, N.H.; Schenectady, Warren, Essex, Franklin, Clinton, Hamilton, Saratoga, Montgomery, Washington, Fulton, Yates, Ontario, Madison, Schoharie, Otsego, Onondago, Schuyler, Seneca, Tioga, Thompkins, Wayne, Broome, Cayuga, Chenango, Chemung, Delaware, Courtland, Lewis, Jefferson, Herkimer, St. Lawrence, Oneida, Oswego, Chatauqua, Cataraugus, Allegany, Wyoming, Steuben, Orleans, Niagara, Livingston, Monroe, Erie, Genesee Counties, N.Y.; points in Oregon; points in Elk, Mercer, Crawford, Jefferson, Clarion, Warren, McKean, Cameron, Venango, Erie, Potter, Forest Counties, Pa.; points in South Dakota; points in Lamoille, Grand Isle, Franklin, Chittenden, Washington, Orange, Addison, Orleans, Essex, Caledonia Counties, Vt.; Yellowstone National Park, Teton Park, Natrona, Hot Spring, Fremont, Johnson, Crook, Campbell, Big Horn, Weston, Sheridan, Washakie, Lincoln, Uinta, Sublette, Sweetwater Counties, Wyo.

(2) From points in Elkhart, Colbert, Lauderdale, Winston, Fayette, Marion, Franklin, Pickens, Lawrence, Tuscaloosa, Lamar, Walker Counties, Ala., to points in Humboldt, Mendicino, Tehama, Lake, Trinity, Glenn, Yuba, Lassen, Siskiyou, Nevada, Plumas, Butte, Shasta, Modoc, Sierra Counties, Calif.; Valley, Adams, Elmore, Twin Falls, Boise, Gem, Washington, Canyon, Gooding, Fayette, Camas, Lemhi, Ada, Custer; Owyhee, Idaho, Shoshone, Benewah, Kootenai, Bonner, Latah, Boundry, Lewis, Clearwater, Nez Perce Counties, Idaho; points in Maine, points in Cook, Aitkin, Tasca, Carlton, St. Louis, Lake, Stearns, Meeker, Traverse, Becker, Renville, Tellow Med, Todd, Benton, Pope, Lac Q Parl, Swift, Chippewa, Otter Tail, Wilkin, Stevens, Cass, Morrison, Wadena, Douglas, Big Stone, Clay, Crow Wing, Grant, Hubbard, Kandiyohi, Roseau, Koochichin, Pennington, Red Lake, Kittson, Polk, Beltrami, Mahnomen, Clearwater, Marshall, Lake Woods, Norman Counties, Minn.; Lyon, Churchill, Ormsby, Douglas, Pershing, Mineral, Storey, Humboldt, Washoe, Elko, Whitepine Counties, Nev.; points in New Hampshire; points in Washington, Clinton, Essex, Fulton, Franklin, Hamilton, Montgomery, Saratoga, Schenectdy, Warren, Wayne, Thompkins, Tioga, Seneca, Yates, Schuyler, Schoharie, Broome, Cayuga, Chenango, Courtland, Chemung, Delaware, Madison, Onondago, Ontario, Otsego, Lewis, Herkimer,

Jefferson, Oneida, Oswego, St. Lawrence, Steuben, Erie, Wyoming, Allegany, Livingston, Cataraugus, Monroe, Chatauqua, Niagara, Genesee, Orleans Counties, N.Y.; points in Oregon; points in Warren, Elk, Potter, McKean, Crawford, Venango, Cameron, Forest, Clarion, Jefferson, Erie, Mercer Counties, Pa.; Roberts, Codington, Grant, Spink, Brown, Hamlin, Marshall, Clark, Kingsbury, Beadle, Day, Brookings, Deuel, Edmunda, Walworth, Campbell, Hardin, Corson, McPherson, Faulk, Perkins, Dewey, Potter Counties, S. Dak.; points in Vermont; points in Park Teton, Yellowstone National Park, Crook, Big Horn, Washakie, Campbell, Weston, Johnson, Sheridan Counties, Wyo.

(3) From points in DeKalb, Morgan, Jackson, Limestone, Marshall, Madison Counties, Ala., to points in Tuolumne, Solano, San Mateo, Monterey, San Francisco, Calaveras, Yolo, El Dorado, Marin, Napa, San Joaquin, Colusa, Sutter, Santa Cruz, Mariposa, Placer, Alameda, Contra Costa, Stanislaus, Madera, Merced, San Benito, Alpine, Sonoma, Santa Clara, Mono, Sacramento, Amador, Glenn, Trinity, Humboldt, Lake, Tehama, Mendicino, Yuba, Modo, Sierra, Nevada, Siskiyou, Plumas, Butte, Shasta, Lassen Counties, Calif.; points in Idaho; points in Sioux, Plymouth, Dickinson, Crawford, Buena Vista, Monona, Humboldt, Woodbury, Clay, Pocahontas, Palo Alto, Osceola, Cherokee, Emmet, Ida, Sac, Carroll, Lyon, Kossuth, O'Brien, Calhoun, Hancock, Chickasaw, Clayton, Delaware, Howard, Fayette, Winneshiek, Bremer, Floyd, Worth, Butler, Franklin, Wright, Buchanan, Mitchell, Allamakee, Cerro Gord, Winnebago, Black Hawk Counties, Iowa; points in Maine, points in Minnesota, points in Washoe, Ormsby, Stoery, Churchill, Pershing, Douglas, Lyon, Humboldt, Mineral, Elko, Whitepine Counties, Nev.; points in New Hampshire, points in Warren, Hamilton, Schenectady, Fulton, Washington, Franklin, Saratoga, Essex, Montgomery, Clinton, Schuyler, Onondaga, Ontario, Cayuga, Madison, Tioga, Delaware, Broome, Yates, Otsego, Courtland, Wayne, Seneca, Chenango, Thompkins, Schoharie, Chemung, St. Lawrence, Oswego, Oneida, Lewis, Jefferson, Herkimer, Steuben, Livingston, Allegany, Wyoming, Genesee, Monroe, Erie, Niagara, Cataraugus, Orleans, Chatauqua Counties, N.Y.; points in Oregon, points in Venango, McKean, Elk, Warren, Clarion, Crawford, Potter, Cameron, Mercer, Forest, Jefferson, Erie Counties, Pa.; points in South Dakota; points in Vermont; points in Teton Park, Yellowstone National Park, Fremont, Hot Spring, Natrona, Weston, Campbell, Washakie, Big Horn, Sheridan, Johnson, Crook, Uinta, Sweetwater, Sublette, Lincoln Counties, Wyo.

(4) From points in Barbour, Dale, Montgomery, Bullock, Geneva, Pike, Covington, Henry, Russell, Coffee, Houston, Crenshaw, Macon Counties, Ala., to points in Glenn, Mendicino, Lake, Humboldt, Trinity, Tehama, Butte, Yuba, Nevada, Siskiyou, Modoc, Sierra, Lawwen, Shasta, Plumas Counties, Calif.; points in Idaho; points in Plymouth, Pocohontas, Kossuth, Dickinson, Calhoun, O'Brien, Osceola, Lyon, Crawford, Woodbury, Palo Alto, Ida, Clay, Sac, Buena Vista, Humboldt, Cherokee, Sioux, Monona, Emmet, Carroll, Wright, Winnebago, Fayette, Butler, Worth, Allamakee, Delaware, Buchanan, Howard, Hancock, Clayton, Bremer, Winneshiek, Franklin, Chickasaw, Black Hawk, Mitchell, Floyd, Cerro Gord Counties, Iowa; points in Minnesota; points in Churchill, Washoe, Lyon, Storey, Humboldt, Pershing, Douglas, Ormsby, Mineral, Elko, Whitepine Counties, Nev.; Clinton, Warren, Fulton, Schenectady, Franklin, Saratoga, Essex, Montgomery, Washington, Hamilton, Jefferson, Oneida, Lewis, Herkimer, St. Lawrence, Oswego, Cataraugus, Orleans, Erie, Niagara, Chatauqua, Wyoming, Monroe, Allegany, Livingston, Steuben, Genesee Counties, N.Y.; points in Oregon; points in Cameron, Mercer, Elk, McKean, Crawford, Warren, Jefferson, Clarion, Venango, Forest, Potter, Erie Counties, Pa.; points in South Dakota; points in Yellowstone National Park, Teton, Fremont, Natrona, Hot Spring, Big Horn, Johnson, Crook, Weston, Campbell, Washakie, Sheridan, Lincoln, Uinta, Sweetwater, Sublette Counties, Wyo.

(5) From points in Baldwin, Dallas, Elkhart, Marengo, Washington, Butler, Escambia, Mobile, Wilcox, Choctaw, Greene, Monroe, Clarke, Hale, Perry, Conecuh, Lawndes, Sumter Counties, Ala., to points in Shoshone, Boundry, Lewis, Clearwater, Nez Perce, Idaho, Benewah, Kootenai, Bonner, Latah Counties, Idaho; points in Maine; points in Cook, Lake, St. Louis, Aitkin, Tasca, Carlton, Scott, Wasela, Olmstead, Freeborn, Le Sueur, Carver, Cillmore, Sherburne, Washington, Rice, Good Hue, McLeod, Chisago, Hennepin, Sibley, Winona, Ramsey, Houston, Mille Lacs, Dakota, Steele, Wright, Pine, Isanti, Anoka, Dodge, Wabasha, Mower, Nicollet, Kanabec, Blue Earth, Faribault, Stearns, Wadena, Lac Q Parl, Renville, Cass, Stevens, Wilkin, Meeker, Becker, Clay, Todd, Yellow Med, Morrison, Benton, Crow Wing, Swift, Hubbard, Otter Tail, Big Stone, Douglas, Traverse, Kandiyohi, Pope, Chippewa, Grant, Polk, Kittson, Norman, Red Lake, Lake Woods, Pennington, Roseau, Koochichin, Beltrami, Mahnomen, Clearwater, Marshall Counties, Minn.; Carroll, Grafton, Sullivan, Chesire, Hillsboro Counties, N.H.; Washington, Franklin, Schenectady, Fulton, Warren, Hamilton, Clinton, Montgomery, Essex, Saratoga, Otsego, Thompkins, Chemung, Onondaga, Schoharie, Wayne, Courtland, Ontario, Schuyler, Yates, Chenango, Seneca, Broome, Delaware, Tioga, Cayuga, Madison, Lewis, Oneida, Oswego, Herkimer, St. Lawrence, Jefferson, Steuben, Wyoming, Chataqua, Niagara, Genesee, Orleans, Erie, Allegany, Livingston, Cataraugus, Monroe Counties, N.Y.; Polk, Clatsop, Multnoman, Tillamook, Lane, Marion, Washington, Columbia, Yamhill, Benton, Lincoln, Clackamas, Linn, Gilliam, Wheeler, Jefferson, Hood River, Crook, Sherman, De Schutes, Wasco, Lake, Malheur, Harney, Klamath, Morrow, Union, Umatilla, Baker, Wallowa, Grant Counties, Ore.; Potter, Crawford, McKean, Venango, Elk, Mercer, Warren, Erie, Cameron, Forest, Clarion, Jefferson Counties, Pa.; Kingsbury, Brown, Grant, Marshall, Bodington, Hamlin, Roberts, Clark, Spink, Beadle, Day, Brookings, Deuel, Walworth, Dewey, Perkins, Edmunda, Potter, Faulk, Campbell, Harding, Corson, McPherson Counties, S. Dak.; points in Vermont; and points in Crook, Johnson, Sheridan, Big Horn, Campbell, Washakie, and Weston Counties, Wyo. The purpose of this filing is to elminiate the gateway of Bremen, Ind.

No. MC 107012 (Sub-No. E146), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Tub and shower enclosures*, uncartoned, (1) from points in Elkhart, Pima, Pinal, Santa Cruz, Maricopa Counties, Ariz., to points in Clinton, Madison, Pulaski, Washington, Adair, Green, Mercer, Rockcastle, Wayne, Anderson, Jessamine, Marion, Russell, Woodford, Boyle, Lincoln, Metcalfe, Fayette, Gerrard, Cumberland, Monroe, Taylor, Casey, Knott, Harlan, Pike, Clay, Whitley, Lee, Perry, Breathitt, Jackson, McCreary, Leslie, Estill, Floyd, Knox, Laurel, Letcher, Oswley, Bell, Nicholas, Rowan, Carroll, Elliott, Greenup, Lewis, Boyd, Owen, Scott, Carter, Fleming, Harrison, Magaoffin, Bath, Pendleton, Wolfe, Montgomery, Franklin, Johnson, Martin, Boone, Powell, Bracken, Morgan, Gallatin, Kenton, Mason, Courbon, Robertson, Campbell, Clark, Grant, Lawrence, Menifee Counties, Ky.; Rowan, Union, Durham, Rockingham, Moore, Anson, Wake, Vance, Forsyth, Randolph, Orange, Cabarrus, Warren, Chatham, Franklin, Guilford, Person, Stanly, Davidson, Richmond, Lee, Caswell, Stokes, Davie, Granville, Montgomery, Allamance, Edgecombe, Halifax, Tyrrell, Pamlico, Chowan, Gates, Hyde, Washington, Martin, Dare, Pasquotank, Wilson, Camden, Currituck, Per Quiman, Nash, Bertie, Hertford, Pitt, North Hampton, Beaufort, Pender, Jones, Sampson, Scotland, Onslow, Greene, Wayne, Brunswick, North Hamover, Hoke, Cumberland, Columbus, Lenoir, Harnett, Robeson, Bladen, Johnston, Craven, Duplin, Carteret, Lincoln, Yadkin, Caldwell, Alexander, Mecklenburg, Cleveland, Iredell, Surry, Gaston, Avery, Watauga, Catawba, Alleghany, Wilkes, Burke, Ashe Counties, N.C.; Union, Johnson, Cocke, Hawkins, Washington, Unicoi, Grainger, Anderson, Sevier, Knox, Greene, Clount, Sullivan, Scott, Hamblen, Campbell, Jefferson, Claiborne, Hancock, Carter Counties, Tenn.

(2) From points in Yuma County, Ariz., to points in Anderson, Fayette, Pulaski, Jessamine, Metcalfe, Boyle, Gerrard, Wayne, Lincoln, Monroe, Casey, Green, Washington, Madison, Adair, Clinton, Woodford, Taylor, Marion, Cumberland,

Rockcastle, Russell, Mercer, Letcher, Harlan, Perry, Floyd, McCreary, Jackson, Pike, Breathitt, Owsley, Knox, Whitley, Bell, Clay, Laurel, Lee, Estill, Leslie, Knott, Bourbon, Rowan, Carroll, Franklin, Johnson, Martin, Nicholas, Powell, Scott, Carter, Gallatin, Kenton, Mason, Owen, Wolfe, Boyd, Clark, Grant, Lawrence, Menifee, Pendleton, Boone, Bracken, Elliott, Greenup, Lewis, Montgomery, Bath, Robertson, Campbell, Fleming, Harrison, Magoffin, Morgan Counties, Ky.; Richmond, Orange, Guilford, Caswell, Rowan, Granville, Randolph, Montgomery, Wake, Chatham, Durham, Allamance, Person, Lee, Vance, Davidson, Forsyth, Moore, Cabarrus, Union, Stanly, Franklin, Anson, Warren, Stokes, Davie, Rockingham, Nash, Gates, Pasquotank, Bertie, Beaufort, North Hampton, Halifax, Hyde, Camden, Pamlico, Currituck, Martin, Tyrrell, Dare, Chowan, Per Quiman, Washington, Edgecombe, Hertford, Pitt, Wilson, Carteret, Scotland, N. Hanover, Harnett, Columbus, Sampson, Lenoir, Greene, Cumberland, Robeson, Jones, Doplin, Brunswick, Pender, Johnston, Craven, Wayne, Onslow, Hoke, Bladen, Lincoln, Yadkin, Avery, Alexander, Mechlenburg, Catawba, Burke, Surry, Alleghany, Caldwell, Watauga, Ashe, Iredell, Wilkes, Cleveland, Gaston Counties, N.C.; Union, Washington, Hawkins, Sevier, Blount, Cocke, Jefferson, Sullivan, Campbell, Grainger, Johnson, Unicoi, Carter, Greene, Knox, Hancock, Clairborne, Hamblen, Scott, Anderson Counties, Tenn.

(3) From points in Cochise, Gila, Graham, Greenlee, Elkhart Counties, Ariz., to points in Robertson, Powell, Clark, Grant, Lawrence, Menifee, Boyd, Rowan, Bracken, Elliott, Greenup, Lewis, Montgomery, Bourbon, Scott, Campbell, Fleming, Harrison, Magoffin, Morgan, Boone, Wolfe, Carroll, Franklin, Johnson, Martin, Nicholas, Bath, Pendleton, Carter, Gallatin, Kenton, Mason, Owen Counties, Ky.; Kranklin, Moore, Rockingham, Vance, Davie, Cabarrus, Granville, Orange, Rowan, Wake, Durham, Allamance, Guilford, Person, Stanly, Warren, Forsyth, Lee, Randolph, Stokes, Chatham, Anson, Montgomery, Richmond, Union, Davidson, Caswell, Nash, Hyde, Tyrrell, Hertford, Showan, Gates, Pamlico, Washington, Currituck, North Hampton, Pasquotank, Edgecombe, Bertie, Halifax, Per Quiman, Dare, Beaufort, Martin, Pitt, Wilson, Camden Counties, N.C.; (4) from points in Elkhart, Mohave, Navajo, Yavapai, Apache, Coconino Counties, Ariz., to points in Letcher, Knox, Jackson, Estill, McCreary, Perry, Harlan, Breathitt, Lee, Pike, Leslie, Bell, Laurel, Whitley, Clay, Owsley, Knott, Floyd, Campbell, Powell, Fleming, Wolfe, Carroll, Franklin, Scott, Carter, Gallatin, Rowan, Clark, Grant, Robertson, Elliott, Greenup, Harrison, Magoffin, Morgan, Bourbon, Johnson, Martin, Nicholas, Boone, Kenton, Mason, Owen, Bath, Lawrence, Menifee, Pendleton, Boyd, Lewis, Montgomery, Bracken Counties, Ky.; Vance, Richingham, Wake, Guilford, Durham, Chatham, Union, Richmond, Orange, Granville, Forsyth, Cabarrus, Stokes, Randolph, Lee, Franklin, Caswell, Stanly, Person, Montgomery, Davidson, Anson, Rowan, Warren, Moore, Davie, Allamance, Nash, Pasquotank, Per Quiman, Edgecombe, Bertie, Martin, Hertford, Pitt, Chowan, Hyde, Halifax, Tyrrell, Camden, North Hampton, Dare, Washington, Beaufort, Pamlico, Gates, Wilson, Currituck, Hoke, Harnett, Pender, Brunswick, Johnston, Cumberland, Robeson, Bladen, Jones, N. Hanover, Sampson, Craven, Lenoir, Greene, Scotland, Columbus, Duplin, Onslow, Wayne, Carteret, Cleveland, Surry, Catawba, Alexander, Gaston, Watauga, Alleghany, Iredell, Wilkes, Burke, Lincoln, Yadkin, Avery, Mecklenburg, Caldwell, Ashe Counties, N.C. The purpose of this filing is to eliminate the gateway of Bremen, Ind.

No. MC 107012 (Sub-No. E147), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New tub and shower enclosures*, uncartoned, (1) from points in Elkhart, San Luis Obispo, Santa Barbara, Kern, Ventura, Los Angeles, Orange Counties, Calif., to points in Wayne, Jessamine, Metcalfe, Taylor, Anderson, Woodford, Lincoln, Monroe, Washington, Adair, Fayette, Madison, Pulaski, Clinton, Cumberland, Gerrard, Marion, Rockcastle, Casey, Green, Mercer, Russell, Boyle, Lee, Pike, Knox, Estill, Letcher, Whitley, Laurel, Clay, McCreary, Leslie, Bell, Breathitt, Owsley, Jackson, Harlan, Perry, Knott, Floyd, Wolfe, Scott, Greenup, Lewis, Montgomery, Powell, Boone, Carroll, Fleming, Harrison, Magoffin, Morgan, Robertson, Bath, Carter, Franklin, Johnson, Martin, Nicholas, Rowan, Campbell, Clark, Gallatin, Kenton, Mason, Owen, Boyd, Bracken, Elliott, Grant, Lawrence, Menifee, Pendleton, Bourbon Counties, Ky.; points in North Carolina; points in Union, McCormick, Chester, York, Lamens, Newberry, Greenwood, Saluda, Edgefield, Spartansburg, Cherokee, Williamsburg, Clarendon, Horry, Marion, Georgetown, Florence, Dillon Counties, S.C.; and points in Union, Grainger, Jefferson, Claiborne, Washington, Greene, Johnson, Carter, Unicoi, Hamblen, Knox, Campbell, Servier, Hancock, Scott, Blount, Sullivan, Hawkins, Cocke, Anderson Counties, Tenn.

(2) From points in Elkhart, Imperial, Riverside, San Diego Counties, Calif., to points in Rockcastle, Fayette, Madison, Wayne, Taylor, Gerrard, Marion, Monroe, Casey, Green, Washington, Russell, Clinton, Jessamine, Mercer, Pulaski, Cumberland, Lincoln, Metcalfe, Woodford, Anderson, Adair, Boyle, Leslie, Owsley, Whitley, Clay, Letcher, Perry, Harlan, Breathitt, Lee, Laurel, Jackson, Bell, McCreary, Floyd, Knott, Estill, Pike, Knox, Boyd, Clark, Grant, Lawrence, Menifee, Pendleton, Wolfe, Bracken, Elliott, Greenup, Lewis, Montgomery, Powell, Boone, Campbell, Fleming, Harrison, Magoffin, Morgan, Robertson, Bath, Carroll, Franklin, Johnson, Martin, Nicholas, Rowan, Bourbon, Carter, Gallatin, Kenton, Mason, Owen, Scott Counties, Ky.; points in North Carolina; points in Horry, Dillon, Georgetown, Clarendon, Williamsburg, Marion, Florence Counties, S.C.; Sevier, Johnson, Claiborne, Hancock, Union, Jefferson, Cocke, Hawkins, Washington, Unicoi, Grainger, Blount, Scott, Sullivan, Greene, Anderson, Knox, Carter, Hamblen, Campbell Counties, Tenn.

(3) From points in San Bernardino County, Calif., to points in Monroe, Clinton, Green, Mercer, Washington, Anderson, Cumberland, Jessamine, Rockcastle, Wayne, Boyle, Woodford, Lincoln, Metcalfe, Adair, Pulaski, Fayette, Madison, Russell, Casey, Gerrard, Marion, Taylor, Lee, Perry, Harlan, Estill, Letcher, Pike, Jackson, Floyd, McCreary, Knott, Laurel, Bell, Knox, Whitley, Breathitt, Owsley, Leslie, Clay, Bourbon, Wolfe, Elliott, Greenup, Lewis, Montgomery, Powell, Boyd, Carroll, Fleming, Harrison, Magoffin, Morgan, Robertson, Boone, Carter, Franklin, Johnson, Martin, Nicholas, Rowan, Bracken, Scott, Gallatin, Kenton, Mason, Owen, Bath, Campbell, Clark, Grant, Lawrence, Menifee, Pendleton Counties, Ky.; Warren, Durham, Lee, Person, Anson, Vance, Caswell, Forsyth, Montgomery, Randolph, Rowan, Allamance, Chatham, Franklin, Moore, Richmond, Stanly, Davidson, Granville, Orange, Rockingham, Stokes, Davie, Guilford, Wake, Cabarrus, Union, Nash, Pitt, Halifax, Bertie, Beaufort, North Hampton, Martin, Tyrrell, Currituck, Pamlico, Hyde, Hertford, Dare, Pasquotank, Edgecombe, Washington, Camden, Per Quiman, Gates, Wilson, Chowan, Harnett, Cumberland, Pender, Brunswick, Hoke, Jones, Robeson, Carteret, Onslow, Johnston, Sampson, Columbus, Duplin, Lenoir, Scotland, Craven, Greene, N. Hanover, Wayne, Bladen, Cleveland, Surry, Ashe, Watauga, Alleghany, Avery, Lincoln, Wilkes, Burne, Gaston, Yadkin, Caldwell, Mechlenburg, Iredell, Catawba, Alexander Counties, N.C.; Florence, Dillon, Georgetown, Clarendon, Horry, Williamsburg, Marion Counties, S.C.; Union, Blount, Grainger, Jefferson, Washington, Campbell, Greene, Johnson, Unicoi, Carter, Hamblen, Knox, Sevier, Claiborne, Hancock, Scott, Sullivan, Cocke, Hawkins, Anderson Counties, Tenn.

(4) From points in Elkhart, Kings, Tulare, Fresno, Inyo Counties, Ga., to points in Marion, Nassau, Baker, Union, Flagler, Alachua, St. Johns, Levy, Putnam, Bradford, Duval, Clay, Sumter, Lake, Hillsboro, Pinellas, Orange, Brevard, Volusia, Osceola, Hernando, Seminole, Pasco, Citrus, Indian River, Polk, Monroe, Collier, St. Lucie, Broward, Palm Beach, Dade, Martin, Highlands, Manatee, Lee, Hardee, Henry, De Soto, Okeechobee, Glades, Sarasota, Charlotte Counties, Fla.; Walker, Paulding, Heard, Whitfield, Polk, Carroll, Dade, Floyd, Catoosa, Murray, Gordon, Chattooga, Douglas, Haralson, Bartow, Lumpkin, Pickens, Towns, Clarke, Gilmer, Hall, Fayette, Cherokee, Madison, Rabun, Union, Clayton, Gwinnett, Hart, Forsyth, Banks, Morgan, Rockdale, Walton, Cobb,

Habersham, De Kalb, Franklin, Butts, Newton, Spalding, White, Coweta, Jackson, Elbert, Fulton, Oconee, Stephens, Henry, Dawson, Jasper, Fannin, Barrow, Hancock, Warren, Oglethorpe, Johnson, Baldwin, Glascock, Treutlen, McDuffie, Jefferson, Emanuel, Wilkinson, Taliaferro, Lincoln, Greene, Wilkes, Richmond, Laurens, Burke, Washington, Putnam, Jenkins, Columbia, Liberty, Candler, Effingham, Bryan, Evans, Chatham, Screven, Bullock, Wheeler, Montgomery, Glynn, Appling, To Ware, McIntosh, Jeff Davis, Camden, Pierce, Long, Wayne, Tattnall, Ware, Bacon, Toombs, Charlton, Brantley Counties, Ga.; Clinton, Jessamine, Metcalfe, Washington, Casey, Cumberland, Lincoln, Monroe, Rockcastle, Adair, Fayette, Madison, Wayne, Russell, Boyle, Gerrard, Marion, Woodford, Taylor, Greene, Mercer, Pulaski, Anderson, Floyd, McCreary, Leslie, Estill, Letcher, Owsley, Whitley, Breathitt, Harlan, Perry, Knox, Bell, Jackson, Pike, Laurel, Knott, Lee, Clay, Scott, Carter, Gallatin, Kenton, Martin, Nicholas, Bourbon, Rowan, Clark, Grant, Lawrence, Mason, Owen, Boyd, Bracken, Elliott, Greenup, Wolfe, Menifee, Pendleton, Boone, Campbell, Fleming, Harrison, Lewis, Montgomery, Powell, Bath, Carroll, Franklin, Johnson, Magoffin, Morgan, Robertson, Grayson, Meade, Warren, Simpson, Sheleby, Hart, Muhlenberg, Christian, Oldham, Bullitt, Henry, Nelson, Todd, Ohio, Breckridge, Jefferson, Edmondson, Spencer, Logan, Barren, Hardin, Trimble, Butler, La Rue, Allen Counties, Ky.; points in North Carolina; points in South Carolina; points in Wilson, Montgomery, Rutherford, Clay, Dickson, Overton, Smith, Davidson, Jackson, Pickett, Williamson, Cheatham, Macon, Putnam Sumner, Cannon, De Kalb, Robertson, Trousdale, Marshall, Morgan, Van Buren, Fentress, Marion, Meigs, Polk, Warren, Franklin, Bradley, Loudon, Rhea, White, Grundy, Coffee, Monroe, Roane, McMinn, Hamilton, Bledsoe, Moore, Sequatchie, Lincoln, Cumberland, Bedford, Unicoi, Grainger, Union, Greene, Washington, Sullivan, Claiborne, Sevier, Cocke, Hamblen, Hancock, Scott, Hawkins, Campbell, Jefferson, Carter, Johnson, Blount, Knox, Anderson Counties, Tenn.

(5) From points in Alpine, Colusa, Merced, San Francisco, San Joaquin, Sutter, Alameda, Eldorado, Monterey, San Benito, Santa Clara, Tuolumne, Amador, Madera, Mono, San Mateo, Sonoma, Yolo, Calaveras, Marin, Napa, Santa Cruz, Solano, Contra Costa, Mariposa, Placer, Sacramento, Stanislaus Counties, Calif., to points in DeKalb, Limestone, Madison, Marshall, Jackson, Morgan Counties, Ala.; Alachua, Lavey, Bradford, Marion, Clay, Nassau, Union, Flagler, Putnam, Baker, Duval, St. Johns, Brevard, Citrus, Osceola, Hillsboro, Pasco, Sumter, Indian River, Pinellas, Volusia, Lake, Polk, Hernando, Orange, Seminole, Collier, Broward, Martin, Palm Beach, Monroe, Dade, St. Lucie, Charlotte, De Soto, Manatee, Hardee, Okeechobee, Hendry, Sarasota, Highlands, Glades, Lee Counties, Fla.; Catoosa, Carroll, Chattooga, Bartow, Whitfield, Paulding, Floyd, Walker, Douglas, Heard, Dade, Murray, Haralson, Polk, Gordon, Oconee, Stephens, Butts, Newton, Henry, Franklin, Fannin, Cobb, Pickens, Towns, Cherokee, Madison, Hart, Elbert, Forsyth, Clayton, Rabun, Union, Barrow, Lumpkin, Hall, Fayette, Dawson, Clarke, Rickdale, Walton, Banks, Jasper, Habersham, Fulton, De Kalb, Spalding, White, Morgan, Jackson, Gwinnett, Gilmer, Coweta, Baldwin, Hancock, Oglethorpe, Putnam, Wilkinson, Columbia, Jefferson, Richmond, Taliaferro, Emanuel, Jenkins, Treutlen, Warren, Glasscock, Johnson, Lincoln, Washington, Burke, Greene, Laurens, McDuffie, Wilkes, Bryan, Liberty, Candler, Screven, Effingham, Chatham, Bullock, Evans, Appling, Jeff Davis, To Ware, Brantley, McIntosh, Wayne, Glenn, Long, Camden, Montgomery, Toombs, Bacon, Charlton, Pierce, Tattnall, Wheeler, Ware Counties, Ga.; points in Kentucky; points in North Carolina; points in South Carolina; points in Cannon, Jackson, Rutherford, Trousdale, Clay, Macon, Williamson, Smith, Davidson, Montgomery, Putnam, Wilson, Dickson, Overton, Robertson, Cheatham, DeKalb, Pickett, Sumner, White, Bedford, Bradley, Coffee, Cumberland, Bledsoe, Fentress, Franklin, Marshall, Meigs, Sequatchie, Grundy, Monroe, Moore, Van Buren, Hamilton, Morgan, Polk, Warren, Lincoln, Marion, Rhea, Loudon, McMinn, Roane, Anderson, Grainger, Knox, Scott, Campbell, Greene, Sevier, Sullivan, Carter, Hamblen, Unicoi, Union, Claiborne, Hancock, Jefferson, Washington, Blount, Cocke, Hawkins, Johnson, Benton, Henry, Perry, Weakley, Decatur, Hickman, Wayne, Stewart, Giles, Houston, Hardin, Humphreys, Lewis, Carroll, Henderson, Lawrence, Maury Counties, Tenn.

(6) From points in Elkhart, Humboldt, Lake, Mendicino, Tahama, Glenn, Trinity Counties, Calif., to points in Talladega, Randolph, Cleburne, Blount, Tallapoosa, St. Clair, Coosa, Cherokee, Etowah, Shelby, Cullman, Chambers, Jefferson, Chilton, Elmore, Bibb, Lee, Clay, Calhoun, Autauga, Walker, Fayette, Franklin, Marion, Colbert, Pickens, Lawrence, Winston, Lauderdale, Tuscaloosa, Lamar, Morgan, DeKalb, Marshall, Madison, Limestone, Jackson, Houston, Russell, Pike, Henry, Macon, Bullock, Geneva, Barbour, Montgomery, Dale, Crenshaw, Covington, Coffee Counties, Ala.; Levy, Union, Baker, St. Johns, Flagler, Alachua, Putnam, Duval, Nassau, Clay, Marion, Bradford, Jefferson, Wakulla, Gadsden, Lafayette, Madison, Franklin, Taylor, Suwannee, Dixie, Leon, Hamilton, Columbia, Liberty, Gilchrist, Pinellas, Pasco, Hillsboro, Seminole, Sumter, Hernando, Colusia, Polk, Vitrus, Orange, Lake, Brevard, Osceola, Indian River, St. Lucie, Collier, Palm Beach, Borward, Monroe, Martin, Dade, Okeechobee, Hendry, Sarasota, Hardeen, Lee, Glades, Manatee, De Soto, Highlands, Charlotte Counties, Fla.; points in Georgia; points in Kentucky; points in Tippah, Lowndes, Union, Pontotoc, Chickasaw, Marshall, DeSoto, Webster, Panola, Calhoun, Tishomingo, Tate, Yalobusha, Oktibbeha, Benton, Tunila, Prentiss, Lafayette, Clay, Alcorn, Monroe, Lee, Itwamba, Choctaw Counties, Miss.; points in North Carolina; points in South Carolina; points in Smith, Williamson, Overton, Dickson, Robertson, Wilson, Pickett, DeKalb, Rutherford, Jackson, Putnam, Davidson, Sumner, Macon, Cheatham, Clay, Trousdale, Montgomery, Cannon, Loudon, Monroe, Rhea, Lincoln, Bedford, McMinn, Grundy, Van Buren, Fentress, Marion, Moore, Roane, Warren, Cumberland, Marshall, Morgan, Sequatchie, White, Coffee, Meigs, Polk, Franklin, Bledsoe, Bradley, Hawkins, Sevier, Grainger, Claiborne, Jefferson, Sullivan, Greene, Carter, Johnson, Unicoi, Hamblen, Campbel, Knox, Union, Hancock, Blount, Scott, Washington, Cocke, Anderson, Houston, Lawrence, Maury, Hamphreys, Stewart, Henderson, Weakley, Wayne, Hardin, Henry, Lewis, Giles, Hickman, Perry, Decatur, Carroll and Benton Counties, Tenn.

(7) From points in Elkhart, Plumas, Butte, Shasta, Lassen, Sierra, Modoc, Siskivou, Nevada, Yuba Counties, Calif., to points in Talladega, Etowah, Shelby, Bibb, Tallapoosa, Jefferson, Chilton, Blount, Coosa, Lee, Clay, Calhoun, Cullman, Randolph, Cleburne, Chambers, Elmore, St. Clair, Autauga, Cherokee, Walker, Marion, Lauderdale, Winston, Pickens, Colbert, Tuscaloosa, Fayette, Lamar, Lawrence, Franklin, Limestone, Madison, Marshall, DeKalb, Morgan, Jackson, Russell, Henry, Covington, Montgomery, Houston, Crenshaw, Macon, Barbour, Dale, Pike, Geneva, Coffee Counties, Ala.; Union, Nassau, Duval, St. Johns, Alachua, Levy, Putnam, Baker, Bradford, Clay, Marion, Flagler, Liberty, Gadsden, Franklin, Madison, Gilchrist, Hamilton, Suwannee, Jefferson, Lafayette, Taylor, Columbia, Leon, Wakulla, Dixie, Sumter, Brevard, Lake, Volusia, Citrus, Orange, Seminole, Hernando, Osceola, Polk, Hillsboro, Pasco, Pinellas, Indiana River, Broward, Palm Beach, Collier, St. Lucie, Dade, Martin, Monroe, Sarasota, Hendry, Charlotte, Highlands, DeSoto, Manatee, Glades, Lee, Hardee, Okeechobee Counties, Fla.; points in Georgia; points in Kentucky; points in Tippah, Yalobusha, Lowndes, Chickasaw, Calhoun, Tishomingo, Panola, Marshall, Clay, Choctaw, Tunila, Oktibbeha, Prentiss, Itawamba, DeSoto, Union, Pontotoc, Tate, Alcorn, Lafayette, Webster, Lee, Monroe, Benton Counties, Miss.; points in North Carolina; points in South Carolina; Sumner, Putnam, Davidson, Montgomery, Trousdale, Pickett, DeKalb, Cannon, Overton, Robertson, Dickson, Cheatham, Williamson, Rutherford, Jackson, Clay, Wilson, Smith, Macon, Loudon, Monroe, Roane, Lincoln, Grundy, McMinn, Moore, Sequatchie, Coffee, Hamilton, Marion, Morgan, Van Buren, Cumberland, Bedford, Marshall, Polk, Warren, Fentress, Bledsoe, Meigs, Rhea, White, Franklin, Bradley, Hancock, Scott, Washington, Campbell, Hawkins, Sevier, Anderson, Cliaiborne, Jefferson, Sullivan, Carter, Cocke, Johnson, Unicoi, Grainger, Greene, Knox, Union, Blount, Hamblen, Humphreys, Wayne, Henderson, Benton, Lawrence, Weakley, Henry, Decatur, Lewis, Stewart, Hickman, Maury, Giles, Houston, Perry,

Hardin, Carroll Counties, Tenn. The purpose of this filing is to eliminate the gateways of Bremen, Ind.

No. MC 107012 (Sub-No. E148), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New tub and shower enclosures*, uncartoned, (1) from points in Elkhart, Adams, Denver, Fremont, Larimer, Teller, Arapahoe, Douglas, Gilpin, Lake, Boulder, Eagle, Grand, Park, Cedar, Creek, Elbert, Jackson, Pitkin, Chaffee, El Paso, Jefferson, Summit Counties, Colo., to points in Marion, Baker, Union, Levy, Bradford, St. Johns, Flagler, Alachua, Putnam, Duval, Nassau, Clay, Osceola, Citrus, Sumter, Seminole, Orange, Hernando, Polk, Lake, Brevard, Pasco, Indiana River, Pinellas, Hillsboro, Volusia, Dade, St. Lucie, Collier, Palm Beach, Broward, Monroe, Martin, Manatee, DeSoto, Lee, Glades, Highlands, Charlotte, Okeechobee, Hendry, Sarasota, Hardee Counties, Fla.; Wilkinson, Oglethorpe, Jenkins, Emanuel, Washington, Treutlen, McDuffie, Jefferson, Burke, Warren, Taliaferro, Lincoln, Hencock, Columbia, Richmond, Laurens, Greene, Baldwin, Putnam, Johnson, Glascock, Wilkes, Screven, Candler, Liberty, Bullock, Evans, Bryan, Effingham, Chatham, Toombs, Long, Brantley, Wheeler, Tattnall, Jeff Davis, Bacon, Wayne, Pierce, Glynn, Appling, Ware, Montgomery, Charlton, To Ware, McIntosh, Camden Counties, Ga.; Wayne, Metcalfe, Green, Clinton, Washington, Woodford, Mercer, Jessamine, Casey, Taylor, Rockcastle, Marion, Gerrard, Anderson, Russell, Pulaski, Madison, Fayette, Boyle, Monroe, Lincoln, Cumberland, Adair, Bell, Knox, McCreary, Beathitt, Laurel, Owsley, Harlan, Lee, Perry, Jackson, Letcher, Pike, Clay, Knott, Leslie, Whitley, Estill, Rowan, Mason, Owen, Bracken, Fleming, Harrison, Magoffin, Robertson, Menifee, Pendleton, Campbell, Franklin, Johnson, Bath, Scott, Montgomery, Powell, Carroll, Gallatin, Kenton, Boone, Wolfe, Morgan, Bourbon, Carter, Grant, Lawrence, Clark, Martin, Nicholas, Boyd, Elliott, Greenup, Lewis Counties, Ky.; points in North Carolina; points in South Carolina; points in Unicoi, Johnson, Greene, Blount, Union, Sullivan, Jefferson, Grainger, Campbell, Sevier, Hawkins, Cocke, Anderson, Scott, Hancock, Claiborne, Knox, Hamblen, Carter, Washington Counties, Tenn.

(2) From points in Elkhart, Sedgwick, Kit Carson, Washington, Logan, Weld, Morgan, Yuma, Phillips Counties, Colo., to points in St. Johns, Levy, Baker, Union, Flagler, Alachua, Nassau, Duval, Putnam, Clay, Marion, Bradford, Pasco, Semionole, Hillsboro, Volusia, Osceola, Herando, Sumter, Orange, Citrus, Pinellas, Lake Brevard, Polk, Indian River, Dade, St. Lucie, Collier, Palm Beach, Broward, Monroe, Martin, Sarasota, Hendry, Okeechobee, Hardee, Manatee, Glades, Lee, DeSoto, Highlands, Charlotte, Oglethorpe, Jenkins, McDuffie, Hancock, Burke, Richmond, Wilkinson, Johnson, Greene, Baldwin, Taliaferro, Wilkes, Lincoln, Glascock, Warren, Washington, Laurens, Emanuel, Treutlen, Putnam, Jefferson, Columbia, Screven, Candler, Liberty, Bullock, Evans, Bryan, Effingham, Chatham, Ware, Pierce, Jeff Davis, Bacon, Tayne, Tattnall, Glynn, Appling, Wheeler, To Ware, Charlton, McIntosh, Toombs, Camden, Montgomery, Long, Brantley Counties, Ga.; Woodford, Marion, Green, Mercer, Jessamine, Metcalfe, Lincoln, Monroe, Madison, Pulaski, Rockcastle, Adair, Cumberland, Russell, Anderson, Fayette, Taylor, Boyle, Gerrard, Washington, Casey, Wayne, Clinton, Laurel, McCreary, Harlan, Clay, Lee, Owsley, Jackson, Estill, Leslie, Perry, Knott, Floyd, Knox, Pike, Bell, Letcher, Whitley, Breathitt, Wolfe, Gallatin, Kenton, Mason, Owen, Scott, Bourbon, Clark, Grant, Lawrence, Menifee, Pendleton, Bath, Campbell, Elliott, Greenup, Lewis, Montgomery, Powell, Boyd, Carroll, Fleming, Harrison, Magoffin, Morgan, Robertson, Bracken, Carter, Franklin, Johnson, Martin, Nicholas, Rowan, Boone Counties, Ky.; points in North Carolina; points in South Carolina; points in Hancock, Scott, Hamblen, Greene, Hawkins, Sevier, Washington, Grainger, Jefferson, Sullivan, Campbell, Cocke, Johnson, Unicoi, Blount, Claiborne, Knox, Union, Anderson, Carter Counties, Tenn.

(3) From points in Elkhart, Baca, Custer, Otero, Bent, Huerfano, Prowers, Cheyenne, Kiowa, Pueblo, Costilla, Las Animas, Crowley, Lincoln Counties, Colo., to points in Grant, Lawrence, Menifee, Greenup, Lewis, Montgomery, Harrison, Magoffin, Morgan, Johnson, Martin, Nicholas, Kenton, Mason, Owen, Pendleton, Wolfe, Carter, Gallatin, Powell, Boyd, Clark, Bath, Robertson, Bracken, Elliott, Boone, Rowan, Campbell, Fleming, Bourbon, Scott, Franklin, Carroll Counties, Ky.; Warren, Randolph, Stokes, Chatham, Franklin, Anson, Montgomery, Richmond, Union, Davidson, Granville, Cabarrus, Moore, Rockingham, Vance, Davie, Guilford, Orange, Rowan, Wake, Durham, Lee, Person, Stanly, Caswell, Forsyth, Allamance, North Hampton, Tyrrell, Dare, Hyde, Camden, Pamlico, Washington, Edgecombe, Martin, Pasquotank, Wilson, Gates, Nash, Per Quiman, Chowan, Halifax, Beaufort, Pitt, Currituck, Hertford, Bertie, Wayne, North Hanover, Columbus, Jones, Scotland, Onslow, Craven, Lenoir, Sampson, Bladen, Harnett, Cumberland, Pender, Brunswick, Hoke, Duplin, Robeson, Carteret, Johnston, Greene, Watauga, Caldwell, Lincoln, Burke, Wilkes, Catawba, Mechlenburg, Yadkin, Cleveland, Surry, Alexander, Gaston, Ashe, Alleghany, Iredell, Avery Counties, N.C.; Georgetown, Horry, Marion, Williamsburg, Clarendon, Dillon, Florence Counties, S.C.;

(4) From points in Elkhart, Archuleta, Hinsdale, Quray, Conejos, La Plata, Rio Grande, Delta, Mineral Saguache, Dolores, Montezuma, San Juan, Alamosa, Gunnison, Montrose, San Miguel Counties, Colo., to points in Pike, Whitley, Bell, Breathitt, Clay, Estill, Knox, McCreary, Floyd, Laurel, Owsley, Harlan, Lee, Perry, Jackson, Leslie, Knott, Letcher, Scott, Lewis, Montgomery, Powell, Bourbon, Carter, Gallatin, Wolfe, Magoffin, Morgan, Robertson, Boyd, Clark, Grant, Johnson, Martin, Nicholas, Rowan, Bracken, Elliott, Greenup, Kenton, Mason, Owen, Bath, Campbell, Fleming, Harrison, Lawrence, Menifee, Pendleton, Boone, Carroll, Franklin Counties, Ky.; Person, Stanley, Warren, Chatham, Franklin, Moore, Randolph, Stokes, Allamance, Davidson, Granville, Orange, Richmond, Union, Anson, Davie, Guilford, Rockingham, Vance, Cabarrus, Durham, Lee, Rowan, Wake, Caswell, Forsyth, Montgomery, Per Quiman, Beaufort, Dare, Hyde, Pasquotank, Pitt, Bertie, Edgecombe, Martin, Tyrrell, Camden, Gates, Nash, Washington, Chowan, Halifax, North Hampton, Wilson, Currituck, Hertford, Pamlico, Robeson, Brunswick, Duplin, Jones, Sampson, Carteret, Greene, Lenoir, Scotland, Columbus, Harnett, Pender, Wayne, Craven, Hoke, Onslow, Bladen, Cumberland, Johnston, N. Hanover, Alexander, Caldwell, Iredell, Yadkin, Catawba, Alleghany, Mechlenburg, Ashe, Cleveland, Surry, Avery, Gaston, Watauga, Burke, Lincoln, Wilkes Counties, N.C.; Aiken, Keeshaw, Marlboro, Calhoun, Lancaster, Sumter, Chesterfield, Lee, Darlington, Lexington, Fairfield, Richland, Cherokee, McCormick, York, Chester, Newberry, Edgefield, Saluda, Greenwood, Spartansburg, Lamens, Union, Clarendon, Marion, Dillon, Williamsburg, Florence, Georgetown, Horry, Abbeville, Anderson, Greenville, Ocomee, Pickens Counties, S.C.; Sullivan, Blount, Grainger, Jefferson, Unicoi, Campbell, Greene, Johnson, Union, Carter, Hamblen, Knox, Washington, Cocke, Hawkins, Sevier Counties, Tenn.

(5) From points in Elkhart, Rio Blanco, Routt, Garfield, Mesa, Moffat Counties, Colo., to points in Flagler, St. Johns, Bradford Levy, Union, Alachua, Marion, Baker, Nassau, Duval, Putnam, Clay, Seminole, Pasco, Lake, Pinellas, Orange, Polk, Sumter, Volusia, Osceola, Brevard, Indian River, Hillsboro, Hernando, Citrus, Palm Beach, Dade, St. Lucie, Collier, Broward, Monroe, Martin, Sarasota, Charlotte, Okeechobee, DeSoto, Highlands, Glades, Manatee, Hardee, Lee, Hendry Counties, Fla.; Douglas, Murray, Bartow, Floyd, Paulding, Dade, Gordon, Polk, Catoosa, Haralson, Walker, Carroll, Heard, Whitfield, Chattooga, Lumpkin, Pickens, Towns, Henry, Coweta, Fayette, Gwinnett, Cherokee, Madison, Rabun, Union, Jackson, Dawson, Forsyth, Habersham, Butts, Morgan, Rockdale, Walton, Jasper, DeKalb, Franklin, Hall, Barrow, Newton, Spalding, White, Clayton, Elbert, Fulton, Banks, Oconee, Stephens, Hart, Cobb, Fannin, Gilmer, Clarke, Greene, Jenkins, McDuffie, Treutlen, Burke, Hancock, Washington, Oglethorpe, Wilkes, Baldwin, Jefferson, Johnson, Putnam, Glascock, Warren, Laurens, Richmond, Emanuel, Wilkinsson, Lincoln, Taliaferro, Columbia, Scre-

ven, Chatham, Evans, Candler, Liberty, Bullock, Bryan, Effingham, Jeff Davis, Tattnall, Wayne, Camden, Long, Glynn, Wheeler, Charlton, McIntosh, Toombs, Appling, Montgomery, Ware, Bacon, Pierce, To Ware, Brantley Counties, Ga.; Wayne, Woodford, Jessamine, Metcalfe, Boyle, Washington, Cumberland, Lincoln, Monroe, Casey, Taylor, Fayette, Madison, Pulaski, Clinton, Russell, Gerrard, Marion, Adair, Rockcastle, Green, Mercer, Anderson, Laurel, Owsley, Knott, Breathitt, Lee, Perry, Jackson, Clay, Leslie, Pike, Harlan, Estill, Letcher, Knox, Floyd, McCreary, Whitley, Bell, Harrison, Magoffin, Campbell, Pendleton, Carroll, Franklin, Bath, Johnson, Martin, Montgomery, Powell, Carter, Gallatin, Boone, Kenton, Mason, Morgan, Robertson, Clark, Grant, Bourbon, Lawrence, Wolfe, Nicholas, Rowan, Elliott, Greenup, Boyd, Lewis, Menifee, Owen, Scott, Fleming, Bracken Counties, Ky.; points in North Carolina; points in South Carolina; Loudon, Monroe, Rhea, Me-Minn, Lincoln, Roane, Marion, Moore, Sequatchie, Marshall, Morgan, Hamilton, Meigs, Polk, Van Buren, Warren, Cumberland, White, Bedford, Grundy, Bledsoe, Fentress, Bradley, Franklin, Coffee, Hamblen, Hancock, Unicoi, Blount, Scott, Hawkins, Jefferson, Anderson, Greene, Knox, Union, Campbell, Cocke, Sevier, Washington, Carter, Grainger, Sullivan, Johnson, Claiborne Counties, Tenn. The purpose of this filing is to eliminate the gateway of Bremen, Ind.

No. MC 107012 (Sub-No. E149), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New tub and shower enclosures*, uncartoned, (1) from points in Elkhart, Alachua, Flagler, St. Johns, Baker, Levy, Union, Bradford, Marion, Clay, Nassau, Duval, Putnam Counties, Fla., to points in Fresno, Inyo, Tulare, Kings, Tuolumne, Santa Cruz, San Benito, Santa Clara, Madera, Amador, Yolo, Solano, Sacramento, Mono, Eldorado, Alpine, Sonoma, Monterey, San Francisco, Merced, Contra Costa, Alameda, Stanislaus, Napa, San Joaquin, Mariposa, Colusa, Sutter, Placer, San Mateo, Marin, Calaveras, Humboldt, Trinity, Glenn, Tehema, Mendicino, Lake, Sierra, Lassen, Shasta, Butte, Plumas, Yuba, Nevada, Siskiyou, Modoc, Grand, Park, Fremont, Denver, Adams, Jackson, Pitkin, El Paso, Chaffee, Jefferson, Summit, Elbert, Cedar Creek, Lake, Teller, Eagle, Boulder, Larimer, Gilpin, Douglas, Arapahoe, Weld, Logan, Washington, Kit Carson, Sedgwick, Phillips, Yuma, Morgan, Mesa, Garfield, Routt, Rio Blanco, Moffat Counties, Colo.; points in Idaho; points in Monroe, Warren, Marion, Hamilton, Clarke, Polk, Wayne, Madison, Grundy, Boone, Powesiek, Mahaska, Lucas, Greene, Appanoose, Story, Webster, Jasper, Decatur, Tama, Marshall, Hardin, Dallas, Sac, Palo Alto, Kossuth, Carroll, Crawford, Buena Vista, Woodbury, Osceola, Ida, Clay, Pocahontas, Monona, Humboldt, Cherokee, Sioux, O'Brien, Emmet, Plymouth, Lyon, Dickinson, Calhoun, Union, Page, Fremont, Taylor, Montgomery, Cass, Shelby, Mills, Audubon, Ringgold, Harrison, Adams, Pottawatta, Guthrie, Adair, Hancock, Mitchell, Winnesiek, Winnebago, Worth, Franklin, Wright, Floyd, Howard, Fayette, Delaware, Buchanan, Clayton, Bremer, Chickasaw, Black Hawk, Cerro Gorde, Allamakee, Butler Counties, Iowa; Eureka, Esmeralda, Nye, Lander, Pershing, Douglas, Ormsby, Churchill, Minteral, Washoe, Lyon, Storey, Humboldt, Whitepine, Elko Counties, Nev.; points in Oregon; points in South Dakota; Summit, Cache, Weber, Salt Lake, Box Elder, Wasatch, Rich, Utah, Morgan, Tooele, Davis, Uimtah Daggett, San Juan, Carbon, Grand, Emery, Duchesme, Sevier, Juab, Sanpete, Garfield, Piute, Millard, Wayne, Kane Counties, Utah; points in Wyoming.

(2) From points in Elkhart, Columbia, Hamilton, Madison, Dixie, Jefferson, Suwannee, Franklin, Lafayette, Taylor, Gadsen, Leon, Wakulla, Gilchrist, Liberty Counties, Fla.; to points in Humboldt, Lake, Mendicino, Tehama, Glenn, Trinity, Butte, Shasta, Lassen, Sierra, Modoc, Siskiyou, Nevada, Yuba, Plumbas Counties, Calif.; points in Idaho; points in Osceola, Plymouth, O'Brien, Clay, Ida, Wright, Floyd, Black Hawk, Chickasaw, Pocahontas, Palo Alto, Buena Vista, Crawford, Worth, Franklin, Bremer, Clayton, Sac, Kossuth, Calhoun, Dickinson, Winneshiek, Hancock, Buchanan, Delaware, Woodbury, Lyon, Carroll, Emmet, Mitchell, Howard, Butler, Fayette, Sioux, Monona, Cherokee, Humboldt, Winnebago, Allamakee, Cerro Gordo Counties, Iowa; Douglas, Pershing, Humboldt, Storey, Lyon, Washoe, Mineral, Churchill, Ormsby, Whitepine, Elko Counties, Nev.; points in Oregon; points in South Dakota; points in Wyoming; Elk, McKean, Crawford, Warren, Jefferson, Clarion, Venango, Forest, Cameron, Potter, Erie, Mercer Counties, Pa.; Weber, Cache, Summit, Davis, Tooele, Morgan, Utah, Rich, Wasatch, Box Ellder, Salt Lake Counties, Utah.

(3) From points in Elkhart, Bay, Jackson, Calhoun, Okaloosa, Escambia, Santa Rosa, Gulf, Washington, Holmes, Walter Counties, Fla., to points in Twin Falls, Camas, Gooding, Valley, Boise, Gem, Payette, Adams, Elmore, Washington, Ada, Canyon, Owyhee, Lemi, Custer, Clearwater, Nez Perce, Boundry, Lewis, Bonner, Latah, Benewah, Idaho, Shoshone, Kootenai Counties, Idaho; Wright, Mitchell, Bremer, Clayton, Hancock, Howard, Black Hawk, Chickasaw, Worth, Franklin, Allamakee, Butler, Winneshiek, Floyd, Fayette, Cerro Gordo, Winnebago, Burchanan, Delaware Counties, Tenn.; Knox, Hancock, Washington, Waldo, Somerset, Piscataqui, Penobscot, Arrostook Counties, Maine; Grafton, Carroll, Coos Counties, N.H.; Fulton, Warren, Franklin, Schnectedy, Essex, Saratoga, Clinton, Hamilton, Washington, Montgomery, Seneca, Tompkins, Broome, Chemung, Tioga, Yates, Otsego, Chenango, Schoharie, Delaware, Ontario, Schuyler, Courtland, Onondaga, Wayne, Cayuga, Madison, Oneida, Lewis, Jefferson, Herkimer, Oswego, St. Lawrence, Wyoming, Steuben, Genesee, Erie, Orleans, Chatauqua, Niagara, Cataragus, Monroe, Allegany, Livingston Counties, N.Y.; Tillamook, Multnomah, Clatsop, Washington, Linn, Benton, Yamhill, Lincoln, Clackamas, Polk, Lane, Marion, Columbia, Hood River, Gilliam, Wheeler, De Schutes, Wasco, Crook, Jefferson, Sherman, Malheur, Lake, Klamath, Harney, Umatilla, Morrow, Grant, Baker, Union, Wallowa Counties, Oreg.; Venango, Cameron, Forest, Warren, Potter, Erie, Elk, Mercer, Crawford, McKean, Clarion, Jefferson Counties, Pa.; Spink, Brookings, Deuel, Roberts, Beadle, Day, Marshall, Kingsburg, Codington, Clark, Hamlin, Brown, Grant, Tripp, Brule, Hyde, Todd, Sully, Jones, Hughes, Stanley, Hand, Mellette, Buffalo, Lyman, Edmunda, Potter, Dewey, Perkins, Corson, McPherson, Campbell, Faulk, Walworth, Harding, Ziebach, Bennett, Haakon, Washabaugh, Shannon, Jackson, Fall River, Pennington, Custer, Meade, Butte, Lawrence Counties, S. Dak.; Lamoille, Grand Isle, Franklin, Chittenden, Washington, Orange, Addison, Orleans, Essex, Caladonia Counties, Vt.; Yellowstone National Park, Teton Park, Natrona, Hot Spring, Fremont, Weston, Washakie, Campbell, Sheridan, Big Horn, Crook, Johnson Counties, Wyo.

(4) From points in Elkhart, Brevard, Lake, Polk, Citrus, Orange, Seminole, Hernando, Osceola, Sumter, Hillsboro, Pasco, Volusia, Indian River, Pinellas Counties, Fla., to points in Fresno, Kings, Tulare, Inyo, San Joaquin, Santa Cruz, Sutter, Madera, Amador, Mariposa, San Mateo, Solano, Sacramento, Monterey, Calaveras, Merced, Tuolumne, San Benito, San Francisco, Napa, Colusa, Mono, Yolo, Sonoma, Placer, Alameda, Contra Costa, Santa Clara, Stanislaus, Eldorado, Alpine, Marin, Glenn, Lake, Mendicino, Tehama, Trinity, Humboldt, Modoc, Siskiyou, Yuba, Nevada, Plumas, Shasta, Butte, Sierra, Lassen Counties, Calif.; Jefferson, Summit, Cedar Creek, Fremont, El Paso, Lake, Teller, Chaffee, Gilpin, Larimer, Adams, Denver, Grand, Park, Arapahoe, Douglas, Jackson, Pitkin, Boulder, Eagle, Elbert, Morgan, Yuma, Phillips, Sedgwick, Washington, Weld, Kit Carson, Logan, Garfield, Mes, Moffat, Rio Blanco, Routt Counties, Colo.; points in Idaho; and points in Wayne, Poweshiek, Madison, Clarke, Hamilton, Warren, Polk, Mahaska, Dallas, Hardin, Webster, Monroe, Marion, Decatur, Jasper, Story, Marshall, Appanoose, Greene, Tama, Lucas, Boone, Grundy, Osceoal, Plymouth, O'Brien, Clay, Ida, Palo Alto, Sioux, Buena Vista, Brawford, Woodbury, Kossuth, Calhoun, Dickinson, Pocahontas, Lyon, Carroll, Emmet, Sac, Monona, Cherokee, Humboldt, Union, Adair, Pottawatta, Adams, Ringgold, Audubon, Shelby, Cass, Taylor, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Mitchell, Floyd, Black Hawk, Chickasaw, Worth, Franklin, Bremer, Clayton, Win-

nebago, Hancock, Buchanan, Delaware, Wineshiek, Howard, Butler, Fayette, Wright, Allamakee, Cerro Gordo Counties, Iowa; Eureka, Lander, Nye, Esmeralda, Douglas, Ferhing, Humbolt, Storey, Lyon, Washoe, Mineral, Churchille, Ormsby, Whitepine, Elko Counties, Nev.; points in Oregon and points in South Dakota; Weber, Box Elder, Cache, Summit, Davis, Tooele, Morgan, Utah, Rich, Wasatch, Salt Lake, Daggett, Uimtah, Duchesme, Emery, Grand, Carbon, San Juan, Joab, Sevier, Kane, Wayne, Millard, Piute, Garfield, Sanpete Counties, Utah; and points in Wyoming.

(5) From points in Elkhart, Broward, Palm Beach, Collier, St. Lucie, Dade, Martin, Monroe Counties, Fla., to points in Tulare, Kings, Fresno, Inyo, Tuolumne, Solano, San Mateo, Sonoma, Mariposa, Eldorado, Yolo, San Benito, San Francisco, Stanislaus, Calaveras, Contra Costa, Santa Clara, Merced, San Joaquin, Sutter, Amador, Colusa, Monterey, Sacramento, Mono, Madera, Alpine, Santa Cruz, Napa, Placer, Marin, Alameda, Mendicino, Trinity, Lake, Tehama, Humboldt, Glenn, Siskiyou, Yuba, Nevada, Modoc, Lassen, Butte, Sierra, Shasta, Plumas Counties, Calif.; Gilpin, Yarimer, Eagle, Boulder, Caffee, Grand, El Paso, Summit, Arapahoe, Jackson, Park, Teller, Adams, Jefferson, Fremont, Elbert, Douglas, Lake, Pitkin, Cedar Creek, Denver, Yuma, Weld, Phillips, Washington, Morgan, Sedgwick, Logan, Kit Carson, Rio Blanco, Moffat, Routt, Mesa, Garfield Counties, Colo.; points in Idaho; points in Iowa; Nye, Lander, Eureka, Esmeralda, Storey, Churchill, Washoe, Ormsby, Pershing, Mineral, Humboldt, Lyon, Douglas, Whitepine, Elko Counties, Nev.; points in Oregon; points in South Dakota; Wasatch, Davis, Rich, Weber, Cache, Utah, Box Elder, Tooele, Summit, Morgan, Salt Lake, Uimatah, Daggett, San Juan, Carbon, Grand, Emery, Duchesme, Wayne, Sevier, Millard, Sanpete, Kane, Piute, Joab, Gardield Counties, Utah; points in Wyoming.

(6) From points in Elkhart, Charlotte, Highlands, DeSoto, Lee, Glades, Manatee, Hardee, Okeechobee, Hendry, Sarasota Counties, Fla., to points in Fresno, Kings, Tulare, Inyo, Tuolumne, Santa Clara, Sutter, Monterey, Marin, Calaveras, Yolo, Santa Cruz, Placer, Napa, Mariposa, Colusa, San Francisco, Solano, Merced, San Benito, Alameda, Contra Costa, San Joaquin, Sonoma, Sacramento, Eldorado, Alpine, San Mateo, Stanislaus, Mono, Madera, Amador, Mendicino, Tehama, Trinity, Glenn, Humboldt, Lake, Lassen, Yuba, Modoc, Shasta, Butte, Sierra, Nevada, Siskiyou, Plumas Counties, Calif.; Fremont, Lake, Teller, Boulder, Eagle, Grand, Larimer, Douglas, Arapahoe, Gilpin, Park, Denver, Adams, Jackson, Pitkin, Chaffee, El Paso, Jefferson, Summit, Cedar Creek, Elbert, Weld, Logan, Washington, Sedwick, Kit Carson, Phillips, Morgan, Yuma, Mesa, Moffat, Rio Blanco, Routt, Garfield Counties, Colo.; points in Idaho; Poweshiek, Lucas, Storey, Tama, Mahaska, Madison, Wayne, Boone, Greene, Webster, Marshall, Appanoose, Decatur, Polk, Warren, Hardin, Dallas, Monroe, Jasper, Hamilton, Marion, Clarke, Grundy, Woodbury, Sioux, O'Brien, Humboldt, Cherokee, Monona, Plymouth, Ida, Emmet, Lyon, Kossuth, Carroll, Dickinson, Sac, Osceola, Calhoun, Crawford, Pocahontas, Palo Alto, Buena Vista, Clay, Taylor, Page, Mills, Ringgold, Audubon, Harrison, Union, Adams, Guthrie, Shelby, Adair, Fremont, Pottawatta, Montgomery, Cass, Wright, Franklin, Bremer, Chickasaw, Winnebago, Hancock, Black Hawk, Cerro Gordo, Mitchell, Worth, Allamakee, Butler, Winneshiek, Howard, Delaware, Buchanan, Floyd, Fayette, Clayton Counties, Iowa; Eureka, Lander, Nye, Esmeralda, Pershing, Douglas, Storey, Humboldt, Washoe, Lyon, Mineral, Churchill, Ormbsy, Whitepine Counties, Nev.; points in Oregon; points in South Dakota; Weber, Box Elder, Salt Lake, Summit, Cache, Tooele, Davis, Utah, Morgan, Wasatch, Rich, Grand, Daggett, San Juan, Duchesme, Uimtah, Emery, Carbon, Sevier, Joab, Wayne, Kane, Millard, Piute, Garfield, Sanpete Counties, Utah; and points in Wyoming. The purpose of this filing is to eliminate the gateway of Bremen, Ind.

No. MC 119774 (Sub-No. E119), filed June 4, 1974. Applicant. EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between Counce, Tenn., on the one hand, and, on the other, points in Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction Illinois Highway 100, thence along Illinois Highway 100 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 66, thence along U.S. Highway 66 to Gardner, thence along Illinois Highway 53 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, and points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 30 to junction Indiana Highway 2, thence along Indiana Highway 2 to South Bend, thence along U.S. Highway 20 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between Memphis, Tenn. (except those points in the Memphis Commercial Zone located in Mississippi and Arkansas), on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC-119774 (Sub-No. E309), filed March 27, 1975. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, from the facilities of the Clow Corporation at or near Bensenville, Ill., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119864 (Sub-No. E24), filed June 2, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's rep-

resentative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (1) from points in Illinois (except points in Clark, Crawford, Edgar, Wabash and Lawrence Counties), to Cleveland, Ohio (Chicago, Ill. (Gary, Ind.)*). (2) from points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to Onarga, thence along Illinois Highway 54 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to Quincy, to Columbus, Ohio (Chicago, Ill. (Gary, Ind.)*). (3) from St. Louis, Mo., to Cleveland and Columbus, Ohio (Indianapolis, Ind.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119864 (Sub-No. E29), filed May 11, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter and display equipment* which are embraced in materials and supplies used in the operation and maintenance of packinghouses, from Cleveland, Ohio, to points in Illinois (except points in Clark, Crawford, Edgar, Wabash, and Lawrence Counties), restricted to the transportation of shipments moving from, to or between plants, warehouses or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of Chicago, Ill. (Gary, Ind.).

No. MC 119864 (Sub-No. E30), filed May 11, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty food and dairy product containers* which are materials and supplies used in the operation and maintenance of packinghouses, from Cleveland and Bay Village, Ohio, to points in Illinois (except points in Clark, Crawford, Edgar, Wabash, and Lawrence Counties), restricted to the transportation of shipments moving from, to or between plants, warehouses or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of Chicago, Ill. (Gary, Ind.).

No. MC 119864 (Sub-No. E34), filed May 22, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (1) from Cleveland, Ohio, to points in Illinois (except points in Clark, Crawford, Edgar, Wabash and Lawrence Counties) (Chicago, Ill. (Gary, Ind.)*), (2) from Columbus, Ohio, to points in Illinois on and north of a line beginning at the Illinois-Indiana State line, and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to Onarga, thence along Illinois Highway 54 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to Quincy (Chicago, Ill. (Gary, Ind.)*), (3) from Cleveland and Columbus, Ohio, to St. Louis, Mo. (Indianapolis, Ind.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119864 (Sub-No. E39), filed June 2, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* which are supplies used in the operation and maintenance of packinghouses, (1) from points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to Gilman, thence along U.S. Highway 45 to Urbana, thence along Illinois Highway 10 to junction Illinois Highway 47, thence along Illinois Highway 47 to Decatur, thence along Illinois Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 150, thence along Illinois Highway 150 to the Illinois-Missouri State line, to points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 51 to Pittsburgh, thence along U.S. Highway 30 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line (Gary, Ind., and the plantsite of Crown Cork and Seal Company located at or near Rossford, Ohio*), (2) from points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 40 to Effingham, thence along Illinois Highway 37 to the Illinois-Missouri State line, to points in New Jersey and New York (Gary, Ind., and the plantsite of Crown Cork and Seal Company located at or near Rossford, Ohio*), (3) from St. Louis, Mo., to points in New York, New Jersey and Pennsylvania (Indianapolis, Ind., and the plantsite of Crown Cork and Seal Company located at or near Rossford, Ohio*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-No. E386), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., PO Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled*, and *preserved foodstuffs*, unfrozen, in vehicles equipped with mechanical refrigeration (except in bulk or in tank vehicles), from the plant site and warehouses of Paramont Foods, Division Hirsch Bros. Co., Inc., at Louisville, Ky., to (a) points in Louisiana and California (Birmingham, Ala.)*, and (b) Blytheville and Little Rock, Ark., and Little Rock Air Force Base, at or near Jacksonville, Ark. (Nashville, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 104149 (Sub-No. E2), filed May 15, 1974. Applicant: OSBORNE TRUCK LINE, INC., 518 North 31st, Birmingham, Ala. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, in minimum shipments of 10,000 pounds; (1) from points in Georgia to points in Oklahoma; (2) from points in Georgia (except points in Dade, Walker, Catoosa, Whitfield, Murray, and Fannin Counties), to points in Arkansas; and (3) from points in Dade, Walker, Catoosa, Whitfield, Murray, and Fannin Counties, Ga., to points in Arkansas (except points in Mississippi County, Ark.); restricted in (1), (2), and (3) above against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 113908 (Sub-No. E384), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., PO Box 3180—Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Colorado (except Denver, Colo.), Nebraska west of U.S. Highway 385, Oklahoma west of Interstate Highway 35, and points in Texas (except points north of a line beginning at the Texas-Arkansas State line and extending along Interstate Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Texas-Oklahoma State line). The purpose of this filing is to eliminate the gateway of Wichita, Kans.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.76-4045 Filed 2-10-76;8:45 am]

[Notice No. 179]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 11, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 2, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76076. By order of January 28, 1976 the Motor Carrier Board approved the transfer to Michael Gordon, Dillon, Mont., of Certificate No. MC-121108 Sub-2 issued by the Commission July 10, 1964, to M. G. Bostwick, doing business as Bostwick Truck Lines, Dillon, Mont., authorizing the transportation, over regular routes, of general commodities, with exceptions, between Butte, Mont., and Monida, Mont., serving the intermediate points of Divide, Maiden Rock, Melrose, Glen, Dillon, Barrett's Station, Armstead, Dell, Lima, and Clark Canyon Dam, Mont. W. G. Gilbert, III, Esquire, P.O. Box 345, 15 South Idaho Street, Dillon, Mont. 59725.

No. MC-FC-76162. By order of January 28, 1976 the Motor Carrier Board approved the transfer to Del & Son Trucking Service, Canton, Ohio, of Permit No. MC-139732 (Sub-No. 1), issued June 3, 1975, to Delmar R. Shaner, Magnolia, Ohio, authorizing the transportation of agricultural limestone, from Maple Grove, Ohio, to specified points in Pennsylvania and West Virginia. Richard H. Brandon, 220 West Bridge Street, Post Office Box 97, Dublin, Ohio 43017, Attorney for applicants.

No. MC-FC-76209. By order of February 2, 1976 the Motor Carrier Board approved the transfer to Newcomer Moving Co., Inc., Flushing, N.Y., of the operating rights in Certificate No. MC-15904 issued June 15, 1972, to Michael Storage Co., Inc., Bronx, N.Y., authorizing the transportation of household goods, as defined by the Commission, between New York, NY., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania. Arthur J. Piken, One Lefrak Plaza, Flushing, N.Y., 11368, Attorney for applicants.

No. MC-FC-76228. By order of January 28, 1976 the Motor Carrier Board approved the transfer to Pfeffer's Daily Express, a corporation, 44 South West Avenue, Vineland, N.J. 08360, of Certificates Nos. MC-1179 and MC-1179 Sub-1 issued by the Commission April 7, 1949, and January 23, 1952, respectively, to Joseph Simmerman, doing business as Pfeffer's Daily Express, Vineland, N.J., authorizing the transportation of general commodities, with exceptions, between Philadelphia, Pa., and Millville, N.J., and between Philadelphia, Pa., and Atlantic City, N.J., respectively.

No. MC-FC-76275. By order of January 29, 1976 the Motor Carrier Board approved the transfer to Wendell M. Hayes, doing business as Hayes Truck Line, P.O. Box 284, Luther, Okla. 73054, of Certificate of Registration No. MC-54684 (Sub-No. 2), issued by the Commission February 11, 1965, to Maggie Hayes, doing business as Hayes Truck Line, Luther, Okla., evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in the Certificate of Public Convenience and Necessity No. 2051 dated September 10, 1964, issued by the Corporation Commission of Oklahoma.

No. MC-FC-76299. By order of January 26, 1976 the Motor Carrier Board approved the transfer to Anderson Armored Car Service, Inc., Anderson, S.C., a portion of the Certificate in No. MC-133203 and a portion of the Permit in No. MC-133207, issued April 1, 1971 and March 10, 1971, respectively, to Courier Express Corporation, Charlotte, N.C., the former authorizing the transportation of audit and accounting media and other business records and documents used in processing such media and records, and commercial papers, documents, and written instruments, except as are used in the business of banks and banking institutions, between points in North Carolina, on the one hand, and, on the other points in South Carolina, and the latter authorizing the transportation, commercial papers, documents, and written instruments (except currency and negotiable securities), as are used in the business of banks and banking institutions, between points in North Carolina, on the one hand, and, on the other points in South Carolina. The operations authorized herein are subject to restriction. Dual operations were authorized. William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, Va. 22312 attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-4046 Filed 2-10-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MASSACHUSETTS INSTITUTE OF TECHNOLOGY AND CREIGHTON SCHOOL OF MEDICINE

Notice of Consolidated Decision on Applications; Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975). (See especially 301.11(e).) A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00390-33-46500. Applicant: Massachusetts Institute of Technology, General Purchasing, E18-360, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article. The article is intended to be used to study the etiology and pathogenesis of cancer through a program of investigation primarily at the cellular level. Some of the phenomena to be investigated are:

(1) The study of the stages of viral assembly in cells producing non-infectious virus particles, (2) The localization of specific enzymes and proteins in the subcellular components of a mammalian cell, (3) The study of the development of mouse thymus in vivo and in cell culture using electron opaque markers to map specific cell antigens during differentiation, and to distinguish by subcellular morphology, various cell types in mass culture.

The article will also be used in the training of graduate students, post doctoral fellows, and research associates in the preparation of thin sections for electron microscopy. Application received by Commissioner of Customs: February 21, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 16, 1976.

Docket number: 75-00391-33-46500. Applicant: Creighton School of Medicine, Dept. of Anatomy, 2500 California St., Omaha, NE 68178. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for laboratory work in such diverse fields as cell biology, experimental embryology, neuroscience and experimental pathology. Investigations to be

conducted include the following: (1) Elucidation of structure and function in cells and tissues in normal, pathological, and experimentally altered cells and tissues; (2) qualitative and quantitative determinations of cell constituents and products; (3) description of structure in cells and tissues where such knowledge is lacking and (4) determination of rates and routes of uptake, utilization and disposal of various kinds of materials by cell types of diverse nature and origin. Application received by Commissioner of Customs: February 21, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 16, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-3948 Filed 2-10-76;8:45 am]

PAPANICOLAOU CANCER RESEARCH INSTITUTE, ET AL.

Notice of Consolidated Decision on Applications; Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975). (See especially 301.11(e).) A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00412-33-46500. Applicant: Papanicolaou Cancer Research Institute, 1155 N.W. 14th Street, Miami, Florida 33136. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of thin sections and freeze-etch replicas of mammalian lungs. Studies will also be done on pulmonary endothelial cells grown in culture. Research will be conducted to find the subcellular site of the enzyme responsible for the conversion of angiotensin I to angiotensin II (the most potent hypertensive substance known) and the metabolism of bradykinin (a hypotensive substance) which may lead to an understanding of blood pressure homeostasis at the molecular level. In addition, the article is to be used in the instruction of postdoctoral, pre-doctoral and high school students in electron microscopic techniques. Application received by Commissioner of Customs. March 6, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00413-33-46500. Applicant: Howard University, College of Medicine, Department of Microbiology, 520 W Street, N.W., Washington, D.C. 20059. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of the ontogeny of the fungal spore wall as well as the study of mature spore topography. Experiments will be done to disclose the role of subcellular organelles on the development of spore wall layering. In addition to these studies other studies will be conducted to determinte systematic relationships existing between fungi usually placed in a specific taxo but having characteristics which lend themselves to other taxonomic groupings. Application received by Commissioner of Customs: March 6, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00414-33-46500. Applicant: Louisiana State University, School of Medicine in Shreveport, P.O. Box 3932, Shreveport, Louisiana 71130. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological tissues from experimental animals. The principle project involves the study of normal and experimentally altered intracardiac ganglia. The experiment will involve the embedment and sectioning of heart muscle containing the cardiac ganglia which have been subjected to various histochemical procedures. Findings in normal ganglia will be compared to the findings in experimentally altered tissues to determine (1) the source of the nerve fibers that synapse in these ganglia, and (2) the function of the ganglia in normal and pathologic hearts. Application received by Commissioner of Customs: March 6, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00436-33-46500. Applicant: The University of Texas Health Science Center at San Antonio, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in experiments dealing with:

(1) Changes in the motor end-plate region of frog skeletal muscle associated with desensitization of the muscle membrane.

(2) Studies of cultivated vascular smooth muscle cells for onset of synthetic activity of mucopolysaccharides, elastin and collagen.

(3) Comparison of any noted changes in the lining of respiratory epithelium in baboons habituated to inhalation of tobacco smoke to the functional studies also performed on these animals. The article will also be used in the teaching of resident and graduate students in pathology and physiology and for the training of postdoctoral fellows in specialized techniques related to studies in ultrastructure as well as for teaching the re-

quired skills for the electron microscope course offered to Histology students, and others taking the course. Application received by Commissioner of Customs: March 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00439-33-46500. Applicant: Atlanta University, 223 Chestnut Street, S.W. Atlanta, GA 30314. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathologic plant and animal tissues, developmental studies on fungal systems, cyto- and histo-logical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The article will also be used in the courses, Ultrastructure and Cytochemistry to train students in the use and application of electron microscopy and to use the electron microscope in solving individual research problems. Application received by Commissioner of Customs: March 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00440-33-46500. Applicant: University of Massachusetts Medical School, 55 Lake Street, Worcester, MA 01605. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for experiments conducted on monolayer tissue culture systems which will include a morphological and structural survey of differences in tumors related to invasiveness and malignancy. Experiments related to changes in membrane properties and their morphological changes will be conducted. Application received by Commissioner of Customs: March 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00457-33-46500. Applicant: Millard Fillmore Hospital, 3 Gates Circle, Buffalo, New York 14209. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used in research involving the correlation of morphologic findings in renal biopsy specimens with appropriate clinical information. Similar clinicopathologic correlations in the field of neuromuscular disease; specifically muscular dystrophy, polymyositis and congenital myopathies will be conducted. Other research will be performed concerning the ultrastructure of the lung, bone, liver, kidney, spleen, bone marrow, adrenal glands, thyroid gland, soft tissues, blood vessels and fat. All of these research projects are integrated with a residency training program in which resident pathologists are instructed in all of the methodologies involved in electron microscopy including the preparation, embedding, sectioning, and operation of the electron microscope. Application received by Commissioner of customs: March 31, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00461-35-46500. Applicant: U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, D.C. 20012. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section materials of an extremely variable range of density and hardness in investigations of all types of oral surgical implant materials such as ceramic, collagen, metal, and polymers of organic material that are embedded in soft tissue, teeth, and bone. Application received by Commissioner of Customs: March 31, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal or to less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.76-3949 Filed 2-10-76;8:45 am]

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Wednesday, March 24, 1976, at 3:00 p.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was initially established on July 10, 1973. On July 15, 1975, the Director, Office of Export Administration, approved the reestablishment of the Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-

West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Foreign Availability Subcommittee was formed to determine the extent of foreign capability in numerically controlled technology.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of additional means of collecting foreign availability information on Free World non-COCOM countries.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975 pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al.*, v. *C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 57817, appearing in the issue of December 12, 1975).

Dated: February 6, 1976.

RAUER H. MEYER,
Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-4036 Filed 2-10-76;8:45 am]

National Oceanic and Atmospheric Administration

NORTHWEST FISHERIES CENTER

Receipt of Application for Marine Mammal Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take and import marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington 98112, to take and import specimen materials from dead pinnipeds.

The specimen materials will be taken from pinnipeds which become available to U.S. observers, participating in cooperative international research programs. Such observers will be designated as agents of the Applicant for the purposes stated in the application. At present, three U.S. scientists are intended to participate in a research program on ice seals aboard a Soviet seal/trawler. Other researchers may be designated as agents, or as additional cooperative research programs are developed.

The specimen materials will be taken from pinnipeds which are: (1) directly taken in fisheries for such animals, in countries and situations where such taking is legal; (2) killed incidental to fishing or other operations; or (3) dead of natural causes.

The materials to be collected will include reproductive organs, stomach contents, examples of pathological and parasiotlogical conditions, and other materials. These materials will be analyzed to obtain data on reproductive capacity, age, distribution, and population stock identification and movement.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. The holding of such hearing is at the discretion of the Director.

Dated: February 10, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-4244 Filed 2-10-76;11:07 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of March 1976:

Drug Abuse Training Review Committee, March 2-4; 9:00 a.m., Conference Room 873, Rockwall Building, Rockville, Maryland. Open—March 2, 9:00-10:00 a.m., Closed—Otherwise. Contact Mr. James Callahan, Rockwall Building, Room 640, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-4922.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00 a.m. to 10:00 a.m., March 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. App. I).

National Advisory Mental Health Council, March 15-17; 9:30 a.m., Conference Room 14-105, Parklawn Building, Rockville, Maryland. Open—March 15. Closed—Otherwise. Contact Mrs. Zelia Diggs, Parklawn Building, Room 17C-26, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4333.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: March 15 will be devoted to discussion of NIMH policy issues. These will include current administrative, legislative and program developments. On March 16–17, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIDA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Joshua Hammond, Program Information Officer for Drug Abuse, NIDA, Room 814, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, 301–443–6458. The NIMH Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3600.

Dated: February 5, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-3959 Filed 2-10-76;8:45 am]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS, NINCIDS

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, March 1, 2 and 3, 1976. This meeting will be open to the public on March 1 when they convene, from 2:00 p.m. to 6:00 p.m., Whitney Building, Marine Biological Laboratories, Woods Hole, Massachusetts. On March 2, the Board will travel from Woods Hole to the NIH Campus in the morning. They will reconvene from 2:00 p.m. to 5:00 p.m. on March 2 in Conference Room 1B–07, Building 36, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)6, Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 3 from 9:00 a.m. until the conclusion of the meeting for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is: Dr. Thomas N. Chase, Director of Intramural Research, NINCDS, Building 36, Room 5A05, NIH, Bethesda, Maryland.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health).

Dated: February 4, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4004 Filed 2-10-76;8:45 am]

CARCINOGENIC SCIENTIFIC ADVISORY COMMITTEE

Notice of Establishment

The Director, National Institutes of Health, announces the establishment on January 8, 1976, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Carcinogenesis Scientific Advisory Committee.

Purpose: The Committee provides to the Director, NCI; the Director, Division of Cancer Cause and Prevention, and the Associate Director, Carcinogenesis Program, advice concerning matters of scientific program policy relative to the intramural and collaborative research programs of the Carcinogenesis Program in the Division of Cancer Cause and Prevention, NCI. Authority for this Committee will expire January 8, 1978.

Dated: January 23, 1976.

DONALD S. FREDRICKSON, M.D.,
Director, National Institutes of Health.

[FR Doc.76-4005 Filed 2-10-76;8:45 am]

CARDIOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart and Lung Institute, March 15 and 16, 1976, National Institutes of Health, Building 31, Conference Room 6.

The entire meeting will be open to the public from 8:30 A.M. to 5:00 P.M. The agenda will include primarily discussions of Committee advice to the Director, National Heart and Lung Institute, for his Fourth Annual Report, and, much more briefly, a review of recommendations on the Report of the Task Force on Cardiovascular Rehabilitation, "Needs and Opportunties for Rehabilitating the Coronary Heart Disease Patient" (DHEW Publication No. NIH 75–750). Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Peter L. Frommer, M.D., Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart and Lung Institute, Landow Building, Room A922, Bethesda, Maryland 20014, phone (301) 496–5421, will furnish substantive program information.

Dated: January 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4011 Filed 2-10-76;8:45 am]

HEART AND LUNG RESEARCH REVIEW COMMITTEE A

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart and Lung Research Review Committee A, National Heart and Lung Institute, March 2–3–4, 1976, Marriott Hotel at Dulles International Airport, Virginia. This meeting will be open to the public on March 2, 1976 from 8:00 p.m. to approximately 10:30 p.m. to discuss administrative details and review procedures. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting of the Heart and Lung Research Review Committee A will be closed to the public on March 3, 1976 from approximately 8:30 a.m. until the adjournment on March 4, 1976, for the review, discussion and evaluation of individual initial pending institutional grant applications for National Research Service Awards for Research Training. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing de-

tailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individual associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A03, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLI, NIH, Westwood Building, Room 552, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

Dated: February 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4012 Filed 2-10-76; 8:45 am]

NCI BOARD OF SCIENTIFIC COUNSELORS, DCBD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, April 30 and May 1, 1976, Building 37, Conference Room 4E-08, National Institutes of Health. This meeting will be open to the public on April 30, 1976, from 9:00 a.m. to 5:00 p.m. to discuss the scientific research programs of the Image Processing Unit and Cytology Automation of the Diagnosis Branch, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 1, 1976, from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A-03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4345) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: February 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4006 Filed 2-10-76;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, March 29-30, 1976, Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on March 29 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Center for Population Research, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 522(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 30 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide summaries of meetings and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: February 4, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4013 Filed 2-10-76;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, on March 22-23, 1976 in Building 31, Conference Room #7, National Institutes of Health, Bethesda, Maryland. This meeting will convene and be open to the public from 9:00 a.m. to 5:00 p.m. on March 22 for opening remarks and discussion of procedural matters, reports on various Council-related activities, and a presentation summarizing ongoing research projects within the NEI intramural program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed from 9:00 a.m. until adjournment on March 23 for the review, discussion, and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information concerning individuals associated with the applications.

Mr. Julian Morris, Head, Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Building 31, Room 6A-27, Bethesda, Maryland 20014, telephone (301) 496-5248, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William F. Raub, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496-4903.

Dated: February 4, 1976.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, 13.871, National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4009 Filed 2-10-76;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, March 24-25, 1976, Building 31C, Conference Room 10, and in the Westwood Building, Room 9A10. This meeting will be open to the public on March 24 from 9 a.m. to 12 noon in Building 31C, and from 1:30 p.m. to 3:00 p.m. in the Westwood Building for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 24 from 3 p.m. to 5 p.m. in the Westwood Building, and on March 25 from 9 a.m. to adjournment in Building 31C for the review, discussion and evaluation of initial pending, supplemental, and renewal grant applications; and applications for the research career development awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant

applications which contain information of proprietary or confidential nature, including detailed research protocols; designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 919, Bethesda, Maryland 20014, Telephone: 301, 496-7301, will provide a summary of the meeting and a roster of Council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, Building 31, Room 4A52, Telephone: 301, 496-5231, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health)

Dated: February 4, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4015 Filed 2-10-76;8:45 am]

NATIONAL CANCER INSTITUTE

Advisory Committee Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON ENVIRONMENTAL CARCINOGENESIS

Dates: March 3-4, 1976, 9:30 a.m.

Place: March 3, Building 31C, Room: Conference Room 7, March 4, National Library of Medicine, Room: Billings Auditorium, National Institutes of Health.

Times: Open for the Entire Meeting.

Agenda: March 3, Finalization of Criteria for Establishing the Carcinogenicity of chemicals.

March 4, Status of Evaluation of Oral Contraceptives.

Executive Secretary: Dr. W. Gary Flamm. Address: Building 31, Room: 11A05, National Institutes of Health. Phone: 301/496-5946.

TOBACCO WORKING GROUP

Dates: March 10, 1976, 9 a.m.

Place: Building 31C, Room: Conference Room 8, National Institutes of Health.

Times: Open for the entire meeting:

Agenda: To review activities of the Smoking and Health Program of the National Cancer Institute.

Executive Secretary: Dr. Thomas B. Owen. Address: Building 31, Room: 11A05, National Institutes of Health. Phone 301/496-6271.

NATIONAL BLADDER CANCER PROJECT WORKING CADRÉ

Dates: March 11-12, 1976, 8:30 a.m.

Place: Chevy Chase Holiday Inn, Lobby Room, 5520 Wisconsin Avenue, Bethesda, Md. 20014.

Times: Open: March 11, 8:30 a.m.-9:00 a.m. Closed: March 11, 9 a.m.-5:00 p.m. Closed: March 12, 9 a.m.-adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Olga G. Joly. Address: Westwood Building, Room: 853, National Institutes of Health. Phone: 301/496-7194.

Catalog of Federal Domestic Assistance Number 13.391.

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS AND CONSTRUCTION

Dates: March 21, 1976, 7:30 p.m.

Place: Building 31C, Room: Conference Room 8, National Institutes of Health.

Times: Open: March 21, 7:30 p.m.-9 p.m. Closed: March 21, 9 p.m.-adjournment.

Agenda/Open portion: Continuation of the Subcommittee's review and evaluation of cancer centers and the cancer centers program.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Simeon Cantril, Address: Westwood Building, Room: 832, National Institutes of Health. Phone: 301/496-7427.

Catalog of Federal Domestic Assistance Number 13.312.

Dated: January 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4007 Filed 2-10-76;8:45 am]

NATIONAL CANCER INSTITUTE

Advisory Committee Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville, Pike, Bethesda, Maryland 20014.

DIAGNOSTIC RESEARCH ADVISORY GROUP

Date: March 2, 1976, 8:30 a.m.

Place: Building 31C, Room: Conference Room 7, National Institutes of Health.

Times: Open: March 2, 8:30 a.m.-10 a.m. Closed: March 2, 10 a.m.-adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Mr. Louis P. Greenberg, Address: Building 31, Room: 3A10, National Institutes of Health. Phone: 301/496-1591.

Catalog of Federal Domestic Assistance Number 13.825.

BREAST CANCER DIAGNOSIS COMMITTEE

Dates: March 4, 1976, 9 a.m.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Times: Open: March 4, 9 a.m.-10 a.m. Closed: March 4, 10 a.m.-adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Bernice T. Radovich. Address: Landow Building, Room: B404, National Institutes of Health. Phone: 301/496-6774.

Catalog of Federal Domestic Assistance Number 13.825.

BREAST CANCER TREATMENT COMMITTEE

Dates: March 4, 1976, 8:30 a.m.

Place: Landow Building, Room: C-418, 7910 Woodmont Avenue, Bethesda, Md. 20014.

Times: Open: March 4, 8:30 a.m.-10 a.m. Closed: March 4, 10 a.m.-adjournment.

Closure reason: To review Research Contract Proposals.

Executive Secretary: Dr. Mary E. Sears. Address: Landow Building, Room: A-404, National Institutes of Health. Phone: 301/496-6773.

Catalog of Federal Domestic Assistance Number 13.825.

COMMITTEE ON CANCER IMMUNOTHERAPY

Dates: March 4, 1976, 1 p.m.

Place: Building 10, Room: 4B-14, National Institutes of Health.

Times: Open: March 4, 1 p.m.-1:30 p.m. Closed: March 4, 1:30 p.m.-adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Harriet Gordon. Address: Building 10, Room: 4B17, National Institutes of Health. Phone: 301/496-1791.

Catalog of Federal Domestic Assistance Number 13.825.

BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTEE

Dates: March 4, 1976, 8:30 a.m.

Place: Building 31C, Room: Conference Room 9, National Institutes of Health.

Times: Open: March 4, 8:30 a.m.–9:30 a.m. Closed: March 4, 9:30 a.m.–adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. D. Jane Taylor. Address: Landow Building, Room A-422, National Institutes of Health. Phone: 301/496-6718.

Catalog of Federal Domestic Assistance Number 13.825.

BREAST CANCER EPIDEMIOLOGY COMMITTEE

Dates: March 4–5, 1976, 9 a.m.

Place: Building 31C, Room: Conference Room 8, National Institutes of Health.

Times: Open: March 4, 9 a.m.–9:30 a.m. Closed: March 4, 9:30 a.m.–5 p.m. Closed: March 5, 9 a.m.–adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Elizabeth P. Anderson. Address: Landow Building, Room: A406, National Institutes of Health, Phone: 301/496-6718.

Catalog of Federal Domestic Assistance Number 13.825.

BOARD OF SCIENTIFIC COUNSELORS OF THE DIVISION OF CANCER TREATMENT

Dates: March 8–9, 1976, 9 a.m.

Place: Building 31C, Room: Conference Room 10, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: Review of coordination of treatment activities with the Division of Cancer Treatment and review of potential new programs.

Executive Secretary: Dr. Vincent T. DeVita, Director, Division of Cancer Treatment, NCI, Building 31, Room 3A52, Bethesda, Maryland 20014 (AC 301/496-4291) will provide summary of minutes and substantive program information.

COMMITTEE ON CANCER IMMUNOBIOLOGY

Dates: March 14–16, 1976, 7 p.m.

Place: Landow Building, Room: Conference Room C-418, 7910 Woodmont Avenue, Bethesda, Md. 20014.

Times: Open: March 14, 7 p.m.–7:30 p.m. Closed: March 14, 7:30 p.m.–adjournment. Closed: March 15, 8:30 a.m.–adjournment. Closed: March 16, 8:30 a.m.–adjournment.

Closure reason: To review Research Contract Proposals.

Executive Secretary: Mrs. Judith M. Whalen. Address: Building 10, Room: 4B17, National Institutes of Health. Phone: 301/496-1791

Catalog of Federal Domestic Assistance Number 13.825.

CANCER CONTROL SUPPORTIVE SERVICES REVIEW COMMITTEE

Dates: March 16, 1976, 8:30 a.m.

Place: Building 31C, Room: Conference Room 9, National Institutes of Health.

Times: Open: March 16, 8:30 a.m.–9 a.m. Closed: March 16, 9 a.m.–adjournment.

Closure reason: To review Research Contract Proposals.

Executive Secretary: Dr. Carlos Caban. Address: Blair Building, Room: 7A07, National Institutes of Health. Phone: 301/427-7943.

Catalog of Federal Domestic Assistance Number 13.825.

DIAGNOSTIC RADIOLOGY COMMITTEE

Dates: March 17, 1976, 8:30 a.m.

Place: Building 31C, Room: Conference Room 6, National Institutes of Health.

Times: Open: March 17, 8:30 a.m.–12:00 noon. Closed: March 17, 1:00 p.m.-adjournment.

Agenda/Open portion: To discuss possible new areas of research and other business related to the diagnostic radiology program.

Closure reason: To review research contract proposals.

Executive secretary: Dr. R. Quentin Blackwell, Address: Building 31, Room: 3A10, National Institutes of Health, Phone: 301/496-1591.

Catalog of Federal Domestic Assistance Number 13.825.

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Dates: March 17–19, 1976; 7:00 p.m.

Place: Landow Building, Room: Conference Room C-418, 7910 Woodmont Avenue, Bethesda, Md. 20014.

Times: Open: March 17, 7:00 p.m.–7:30 p.m. Closed: March 17, 7:30 p.m.–adjournment. Closed: March 18, 8:30 a.m.–adjournment. Closed: March 19, 8:30 a.m.–adjournment.

Closure reason: To review Research Contract Proposals. Executive secretary: Mrs. Judith M. Whalen, Address: Building 10, Room 4B17, National Institutes of Health, Phone: 301/496-1791.

Catalog of Federal Domestic Assistance Number 13.825.

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Dates: March 22–23, 1976, 9:00 a.m.

Place: Building 37, Room: 1B-04.

Times: Open: March 22, 9:00 a.m.–9:30 a.m. Closed: March 22, 9:30 a.m.–5:00 p.m. Closed: March 23, 9:00 a.m.–adjournment.

Closure reason: To review Research Contract Proposals.

Executive secretary: Dr. Elke Jordan, Address: Building 37, Room 1A-01, National Institutes of Health, Phone: 301/496-6927.

Catalog of Federal Domestic Assistance Number 13.825.

CLINICAL TRIALS COMMITTEE

Dates: March 24, 1976, 8:30 a.m.

Place: Building 31C, Room: Conference Room 8, National Institutes of Health.

Times: Open: March 24, 8:30 a.m.–9:00 a.m. Closed: March 24, 9:00 a.m.–adjournment.

Closure reason: To review Research Contract Proposals.

Executive secretary: Dr. Todd H. Wasserman, Address: Building 37, Room: 6D28, National Institutes of Health, Phone: 301/496-1774.

Catalog of Federal Domestic Assistance Number 13.825.

COMMITTEE ON CANCER IMMUNOTHERAPY

Dates: March 25, 1976, 1:00 p.m.

Place: Building 10, Room: 4B14, National Institutes of Health.

Times: Open: March 25, 1:00 p.m.–1:30 p.m. Closed: March 25, 1:30 p.m.–adjournment.

Closure reason: To review Research Contract Proposals.

Executive secretary: Dr. Harriet Gordon, address: Building 10, Room: 4B17, National Institutes of Health, Phone: 301/496-1791.

Catalog of Federal Domestic Assistance Number 13.825.

VIRUS CANCER PROGRAM ADVISORY COMMITTEE

Dates: March 25–26, 1976, 10:00 a.m.

Place: Building 37, Room: 1B04, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To discuss the overall direction of the Virus Cancer Program.

Executive secretary: Dr. Elke Jordan, address: Building 37, Room: 1A01, National Institutes of Health. Phone: 301/496-6927.

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE

Dates: March 26, 1976, 8:30 a.m.

Place: Landow Building, Room: C418, 7910 Woodmont Avenue, Bethesda, Md. 20014.

Times: Open: March 26, 8:30 a.m.–9:30 a.m. Closed: March 26, 9:30 a.m.–adjournment.

Closure reason: To review Research Contract Proposals.

Executive secretary: Dr. Robert T. Bowser, Address: Blair Building, Room: 7A07, National Institutes of Health, Phone: 301/427-7943.

Catalog of Federal Domestic Assistance Number 13.825.

DRUG DEVELOPMENT COMMITTEE

Dates: March 26, 1976, 9:00 a.m.

Place: Building 37, Room: 6B23, National Institutes of Health.

Times: Open: March 26, 9:00 a.m.–9:15 a.m. Closed: March 26, 9:15 a.m.–adjournment.

Closure reason: To review Research Contract Proposals.

Executive secretary: Mrs. Naomi FitzGibbon, Address: Blair Building, Room: 5A03A, National Institutes of Health, Phone: 301/427-7337.

Catalog of Federal Domestic Assistance Number 13.825.

COMMITTEE ON CANCER IMMUNOTHERAPY

Dates: March 31–April 2, 1976, 7:00 p.m.

Place: Landow Building, Room: Conference Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.

Times: Open: March 31, 7:00 p.m.–7:30 p.m. Closed: March 31, 7:30 p.m.–adjournment. Closed: April 1, 8:30 a.m.–adjournment. Closed: April 2, 8:30 a.m.–adjournment.

Closure reason: To review Research Contract Proposals.

Executive secretary: Dr. Harriet Gordon, Address: Building 10, Room: 4B17, National Institutes of Health, Phone: 301/496-1791.

Catalog of Federal Domestic Assistance Number 13.825.

Dated: February 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4008 Filed 2-10-76;8:45 am]

National Heart and Lung Institute

NATIONAL HEART AND LUNG ADVISORY COUNCIL, MANPOWER SUBCOMMITTEE AND RESEARCH SUBCOMMITTEE

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Nation Heart and Lung Advisory Council, National Heart and Lung Institute, March 18–20, 1976, from 9:00 a.m. to 5:00 p.m. in Building 31, Conference Room 10, Bethesda, Maryland. This meeting will be open to the public on March 18 from 9:00 a.m. to 5:00 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available. In addition, meetings of

the Manpower Subcommittee and the Research Subcommittee of the above Council will be held on March 18, 1976 in Building 31; the Manpower Subcommittee at 8:30 p.m. in Conference Room 8, C Wing, and the Research Subcommittee at 8:30 p.m. in Conference Room 9, C Wing.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on March 19 from 9:00 a.m. to 5:00 p.m., and on March 20 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The Manpower Subcommittee of the above Council will be closed from 8:30 p.m. to 10:30 p.m., and the Research Subcommittee will be closed from 8:30 p.m. to 11:00 p.m. on March 18, 1976, also for the review, discussion and evaluation of individual initial, pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the applications.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014 (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLI, Westwood Building, Room 5A18 (301) 496-7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

Dated: February 4, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4010 Filed 2-10-76;8:45 am]

NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on March 15-16, 1976, from 9:00 a.m. to adjournment, in Building 31-C, Conference Room 8, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 3:30 p.m. to 5:00 p.m. on March 15 and from 9:00 a.m. to adjournment on March 16, for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on March 15, 1976 from 9:00 a.m. to 3:30 p.m. for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications. Mrs. Edith G. Sharpless, Committee Management Officer, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C-36, Bethesda, Maryland 20014, (telephone 301-496-3511), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13,325, National Institutes of Health.)

Dated: January 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-4014 Filed 2-10-76;8:45 am]

Office of Education

EMERGENCY SCHOOL AID ACT

Closing Date for Receipt of Educational Television Proposals

The Commissioner of Education hereby gives notice that pursuant to sections 704(b) and 711 of the Emergency School Aid Act (20 U.S.C. 1603(b) and 1610), proposals are being accepted from public and private nonprofit organizations for Educational Television projects.

Proposals for assistance must be received by the U.S. Office of Education Application Control Center on or before April 19, 1976.

A. *Proposals sent by mail.*

A proposal sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.530. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposal was sent by registered or certified mail not later than April 15, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The proposal is received on or before the closing date by either the Department of Health, Education, and Welfare, or U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered proposals.*

A proposal to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered proposals will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Proposals will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.*

Information and proposal forms may be obtained from the Special Projects Branch, Equal Educational Opportunity, Room 2017, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

D. *Project periods.*

Awards of assistance will be made pursuant to this notice for activities commencing on or after July 1, 1976.

E. *Applicable regulations.*

Awards of assistance made pursuant to this notice will be subject to the regulations contained in 45 CFR Part 185, as amended at 40 FEDERAL REGISTER 25172 (June 12, 1975), and, except where inconsistent with Part 185, to the Office of Education General Provisions Regulations relating to direct project assistance programs (45 CFR Part 100a). Proposer's attention is directed in particular to Subpart H, Educational Television, of 45 CFR Part 185.

Proposals addressing any of the areas of concern set out at 45 CFR 185.72(a)(1)-(4) may be submitted, and all proposals will be evaluated on the basis of the criteria contained in Subpart H. However, it is the view of the Office of Education that the need for programming in the improvement of written and oral expression at the secondary level (45 CFR 185.72(a)(1)) has been met through contracts awarded during Fiscal Year 1975. Therefore, the Office of Education discourages, but does not preclude, submission of proposals designed addressing this area of concern.

(Catalog of Federal Domestic Assistance Number 13.530, Emergency School Aid—Educational Television)

(20 U.S.C. 1603(b), and 1610)

Dated: February 3, 1976.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-3953 Filed 2-10-76;8:45 am]

EMERGENCY SCHOOL AID ACT

Guidelines for ESAA-TV Program

Pursuant to the authority contained in the Emergency School Aid Act (20 U.S.C. 1610), notice is hereby given that the U.S. Commissioner of Education is establishing guidelines which apply to the ESAA-TV Program. The guidelines will read as set forth below.

The regulations governing such programs were published in the FEDERAL REGISTER, Vol. 40, pp. 25172–25186, on June 12, 1975.

Effective date. These guidelines shall take effect on March 12, 1976.

Dated: February 5, 1976.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance No. 13.530, Emergency School Aid Act—Educational Television.)

Sec. 1. *Scope of Guidelines.*

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under Section 711 of Title VII of the Education Amendments of 1972, the Emergency School Aid Act. The legal requirements include the Act (20 U.S.C. 1610), and the regulations (45 CFR 185.71 through 185.84). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon. (20 U.S.C. 1603(b)(2)(B), 1610), 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States v. Jefferson County Board of Education*, 372 F. 2nd 836, 857 (1966)

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline in the parentheses following the guideline. For example, if the legal authority for the guideline is Section 711(a) of the Act (20 U.S.C. 1610(a)), and the guideline affects § 185.72(a) of the regulations (45 CFR 185.72 (a)), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1610(a)); (45 CFR 185.72 (a)). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made. (20 U.S.C. 1232(a))

Sec. 2. *Background and Objectives.*

The Bureau of School Systems, Equal Educational Opportunity Programs, is soliciting proposals for children's educational television series. Applicants will identify, and address themselves to, content areas and needs related to: the reduction, elimination, or prevention of minority group isolation; those resulting from desegregation; or those which can aid students in overcoming deficiencies resulting from minority group isolation.

Proposals are being accepted for the following four categories. However, inasmuch as it is the view of the Office of Education that the need for programming in the improvement of expression skills at the secondary level ((1) below) is being met through a contract awarded in FY '75, OE discourages (but does not preclude) the submission of proposals for such programming:

(1) One series to improve written and oral expression by students at the secondary level with linguistic and grammatical deficiencies.

(2) One *National series* in one or more *cognitive* skills (such as mathematics, science, social studies, and/language skills) intended for viewing by children of one or more *elementary school age* grade levels.

(3) One *National series* designed to foster *inter-racial and inter-ethnic understanding* among *elementary school age* children.

(4) Up to four *Regional series* which will (a) meet needs unique to smaller groups of minority or subgroup populations, e.g., Alaskan Natives, specific Native American tribes, Hispanic subgroups such as Cuban-Americans, etc.; or (b) meet certain needs of a larger minority group which are unique to a particular geographic region. Contracts to produce Regional series will not exceed $250,000. (20 U.S.C. 1610 (a), (b)(1)); (45 CFR 185.71. 185.72(a))

NOTE.—Bilingual series may be proposed in all categories.

Sec. 3 *Eligible Applicants.*

Applicants are *limited* to public or private non-profit agencies, institutions, or organizations with the capability of providing expertise in research and development, creative production, and formative evaluation of television programming. As proof of non-profit status, each must submit a copy of its Charter of Incorporation or other relevant documents. (See Sec. 8.) Capability will be determined by the ability to meet the criteria enumerated in Sec. 9, below. These will include the degree to which persons representative of target group populations have been involved in ascertaining the specific needs to be addressed by the proposed series and the design of the objectives offered to meet them; and by the staffing pattern to be employed in execution of the project. (See Criteria II C and III B of Sec. 9.)

NOTE.—Local education agencies (LEAs), (including public TV stations, ITFS systems, and other entities which are part of, owned by, or licensed to, an LEA) should note the special provisions required of LEAs on the application form, and those regarding advisory committees as explained in Sec. 7; and in Sec. 9, Criterion III D.

To qualify for *eligibility*, an applicant *must* also have access to a production facility capable of recording video in 2 inch highband color tape. The major production facilities concern beyond this recording capability is the degree to which facility capability proves sufficient to meet the requirements of the proposed TV programming. For example, if a series is to consist of all-film, or if film is to be integrated into the video, then ownership of, or access to, cameras, sound recording and editing equipment adequate to obtain the desired level of film effects should be demonstrated. If remote video is proposed, ownership of, or access to, a remote video van with adequate technical capability should be indicated. Studio dimensions should be adequate for the scope of the sets. Lighting and lighting effects capabilities should be adequate to meet the lighting requirements. Ownership of, or access to, video editing and special effects equipment capable of achieving color key, montage, or other effects, if such are proposed, should similarly be noted.

A detailed description of the facilities to be used is to be included in the proposal. (See Sec. 8.) This description should list the type, quantity and quality of the equipment to be used if a contract is awarded, plus all other relevant information. Where production facilities are to be leased or otherwise provided for, a similar description is necessary, along with some commitment in writing which confirms the availability of the facilities necessary to meet the requirements of the proposed TV programming in accord with the proposed time schedule. However, final arrangements for procuring external studio production facilities are subject to USOE sub-contracting procedures and will require opportunity for competitive bidding by comparable facilities before sub-contracts are awarded. Therefore, the statement assuring availability of an external facility does not imply that the external facility proposed will automatically receive a sub-contract if a contract is awarded.

Statements as to ownership of, and/or access to, facilities sufficient to meet the production requirements of the proposed series will be accepted at face value for purposes of proposal review. However, where an applicant is designated as among those with whom a negotiation is to be entered into, a final determination of capability may be deferred until an on-site confirmation of the facilities can be made by a member of the USOE staff. (20 U.S.C. 1610 (a), (b)(1)); (45 CFR 185.71 (a)); (45 CFR 185.63(b)(5))

Sec. 4 *Program Distribution.*

ESAA–TV programming is to be designed so as to prove suitable for transmission as regularly scheduled, ongoing series by commercial and/or public TV stations and/or networks at times appropriate to reach target audiences in intended places of reception. All "shows" within a series should conform to one of the following standard broadcast lengths: 14:38; 28:38; 58:38. However, the number of individual programs (or shows) necessary to accomplish the aims must be stated and justified by the applicant. Note, however, that the quantity of programming, when judged on the basis of cost per unit of time as a function of total project costs, will be a major concern in the consideration given to costing in the Office of Education's review to be made of the budget included in the proposal. (See Sec. 10.)

No broadcast or non-broadcast use of materials produced under an ESAA–TV contract can increase any cost to users beyond the cost of tape duplication and distribution. No additional charges for rights to air or to use materials may be asked for by the producer. Contracts with talent unions must include fees covering first usage and residual rights as follows:

1. Six (6) years of public TV usage. (A year is defined as unrestricted use during three (3) separate weeks for any given show.)

2. Similar use on commercial stations (a) in markets where there is no public TV station serving that market with a "Grade A" signal; (b) where the public TV station serving a market has exercised a right of first refusal. This is in addition to the commercial uses called for in "4" below.

3. Perpetual use in in-school audio-visual contexts, including use over education-dedicated, local origination CATV channels, and transmission via ITFS systems.

4. One broadcast in each of two, three-year periods over commercial stations, in addition to the commercial station transmissions listed in 2, above.

NOTE.—Where there are to be union agreements which reflect the above residual and other use considerations, the budget included in the proposal should reflect this.

Where there are no union agreements governing talent, unrestricted usage rights will extend in perpetuity.

Arrangements for distribution and usage of these ESAA–TV series shall be undertaken by the contractor, subject to the approval of the Assistant Secretary for Education (ASE). However, the ASE may assume partial distribution responsibility if deemed appropriate by the Government.

The contractor may not, through any actions, restrict usages. The only allowable restrictions are (1) those relating to union agreements affecting residual rights as enumerated above; and (2) a guarantee of 13 weeks exclusivity protection for each program in the series to the first national network carrying the series.

Proposed ESAA–TV series should look toward programming which will be broadcast both as part of an in-school service, and during non-school hours. However, since most of the students reached by a series will have viewed it in a non-school (mainly home viewing) context, series design should aim toward programming which can stand by itself as effective instruction without the necessity for teacher follow-up or other intervention. (20 U.S.C. 1610(b) (1) and (2)); (45 CFR 185.72 (a) (b) and (c))

Sec. 5 *Deliverables.*

All proposers must agree to produce the following:

Item Description

1. One (1) master 2 inch color highband videotape of each production in the series;

2. Two (2) first generation 2 inch highband color videotape dubs of each production in a Regional series; or, four (4) first generation 2 inch highband color videotape dubs of each production in a National series;

3. One (1) ¾ inch cassette tape of each production in the series;

4. One (1) ¾ inch cassette tape of a pilot program;

5. Three (3) one-minute promotional spots, with a 30-second lift-out of each, to be delivered as:

(a) A composite tape of all six spots on a 2 inch highband color, master videotape;

(b) Four (4) composite tapes of all six spots as first generation 2 inch highband color videotape dubs (except that only two tapes shall be required for programming described in § 185.72(a)(4)); and

(c) A ¾ inch composite videotape of all six spots;

6. Five (5) copies of teacher guide material consisting of one (1) typewritten page in final form for each program in a series;

7. Five (5) copies of pilot program test results;

8. One (1) set of final scripts.

All of the above must be delivered to the Assistant Secretary, at specified intervals. (20 U.S.C. 1610(b)(1)); (45 CFR 185.72(e))

All productions will carry the following disclaimer: "This program was produced by (Name of Contractor) under a contract from the U.S. Department of Health, Education, and Welfare, Office of Education. The content of this program is the responsibility of the contractor and no official endorsement by the Department, or the Office of Education is to be inferred." (20 U.S.C. 1610(b)(1)); (45 CFR 185.72(f))

Sec. 6 *Pilot Production and Testing.*

The proposal should make provision for production and testing of a prototypical pilot program where a series is to consist of programs of ½ hour (28:38) or hour (58:38) length; or of two prototypical pilot programs for a series in which programs are to be of quarter-hour length (14:38). All project evaluation activity will be limited to a formative evaluation of the (these) pilot production(s). (See Criterion IV under Sec. 9.)

The Office of Education will review both pilot production quality and pilot test results. Two weeks after submission of the pilot and test results, a decision on continuation of the project will be reported to the contractor. No additional production activity beyond completion of pilot production may be entered into unless and until a favorable decision on project continuation is made by USOE. (20 U.S.C. 1610(b)(3)); (45 CFR 185.-13(d)); (45 CFR 185.77)

Sec. 7 *Advisory Committees.*

Proposers must form advisory committees at the outset of proposal development, and give members of these committees adequate time to offer comments on the proposal. At least ten days must be allowed for comments, and the comments must accompany the proposal. (See Sec. 8.) Comments may be solicited by mail or by phone. If solicited by phone, a transcript of the committeeperson's comments may be submitted.

The names of the members of the committee, and a statement of the committee's purpose shall be published in a newspaper of general circulation or otherwise made public prior to submission of the application. Thus, the publication requirement may be met not only by printed publication in a newspaper, but also by one or more broadcasts of the committee membership roster over a radio or television station. This is an option that applicants which are public station licensees might wish to elect. In such a case, the proof of publication requirement would be met by including both a copy of the announcement script and the page(s) from the station's log showing when the announcement(s) was (were) made. For those publishing the statement in a newspaper, proof of publication would consist of a copy or an original of a tearsheet which includes the name and date of the periodical in which the announcement was printed. (See Sec. 8.)

Regulations governing the composition of advisory committees are quite explicit. Somewhat different requirements apply to proposals submitted by local education agencies and those submitted by non-profit organizations. This includes the requirement that an LEA must publish a notice of, and then hold a public hearing on, its proposal, the minutes of which are to be submitted as part of the proposal. (See Sec. 8.) Note also the different requirements imposed by virtue of the age of a series' intended target audience.

In general, all committees must be composed of equal numbers of non-minority persons and each minority group substantially represented in the target audience. Minority groups may include Blacks, American Indians, Spanish-surnamed Americans, Portuguese-Americans, Alaskan Natives, Hawaiian Natives, and Franco-Americans residing in the State of Maine. To illustrate, the advisory committee for a series directed at non-minority, Black, and Spanish-surnamed children would be made up of one-third Blacks, one-third Spanish-surnamed, and one-third non-minority members. A series aimed at only one minority group would have an advisory committee composed of one-half members of that group and one-half non-minority members.

At least one-half the adult members of all advisory committees must be parents of children who, at some time during the period of project implementation, will be in the age group at which the proposed series is targeted.

In forming a committee, the proposer must select five civic organizations and ask that each designate one member. The five organizations, taken collectively, should be representative of the racial and ethnic makeup of the target audience and reflect the geographic region to be served by the series. National civic organziations should be asked to nominate members for National series advisory committees.

Civic organization nominations should be solicited first. Once the proposer knows the ethnic, parental, and student/adult composition of the five civic organization nominees, it can then select remaining members to insure that the final committee composition meets the ethnic, parental, and student/adult composition required.

If the proposer is other than a local education agency and the target audience includes secondary school students, there is an additional requirement that the total committee be made up of one-half student membership, and that the student membership be made up of equal numbers of non-minority group members and members from each minority group substantially represented in the target audience.

If the proposer is a local education agency, the advisory committee must include: one non-minority teacher, a teacher from each minority group substantially represented in the target audience, at least one non-minority group student, and one student member of each minority group substantially represented in the target population. These student members must be included in all LEA-submitted proposals regardless of the target age of the audience. However, the student members of the committee should be of high school age. Teachers and students need not necessarily be drawn from the local education agency submitting the proposal.

It is desirable that all advisory committees contain both professional and community persons among their adult representatives, and include an equitable number of both males and females.

During the project period, contractors must consult at least four times a year with their adivsory committee. Travel and living expenses to cover the cost of advisory committee meetings should be included in the budget section of the proposal. (See Sec. 10.) However, advisory committee members may not be paid for their services.

In listing advisory committee membership (see Sec. 8), the following suggested formats may be utilized so that a determination can be easily made as to whether or not committee composition meets all requirements. (These are not mandated forms.)

LEA [ ]
Non-LEA [ ]
Series *does* [ ] address secondary students.
Series does *not* [ ] address secondary students.
Number on panel _____
Number of adults on panel _____
Number of adults who are parents of target age students _____

Check groups to be *substantially* addressed by series:
Non-minority [X] (All committees must have non-minority representatives.)
Black [ ]
Spanish-surnamed [ ]
Asian-American [ ]
Native American [ ]
Portuguese-American [ ]
Franco-American (Maine only) [ ]
Alaskan Native [ ]
Hawaiian Native [ ]

(There must be an equal number of persons for each box checked. For a non-LEA proposed secondary school age series, there must be an equal number of students and adults for each box checked.)

Member's name (occupation if any)	Nominated by (list civic organization members)	Racial or ethnic group	Check if adult	Check if adult is parent of target age student	Check if adult is not parent of target age student	Check if student

Past experience reveals that because of the complexity of the regulations governing committee composition, a substantial number of applicants have submitted proposals with incorrectly-composed advisory committees. (20 U.S.C. 1607(b)); (45 CFR 185.41); (45 CFR 185.75)

Sec. 8 *Proposal Submission.*

Applicants will submit an original plus two copies of a proposal. The proposal is to be divided into two parts labelled Part A and Part B. The two parts are to be physically separate.

Part A will consist of the program narrative. This narrative should be written to the point award criteria (with the exception of Criterion III B 3 ("On-the-Job-Training") discussed in Sec. 9. It will also include an appendix devoted to the comments submitted by individual advisory committee members.

The cover page of Part A will state the category in which the proposal is submitted: "National Cognitive;" "National Affective;" or, "Regional."

No reference to any costs should be included in Part A.

Part B should be organized as follows:

I. Application Form.

II. Proof of Non-profit Status.

III. HEW Form 441.

IV. HEW Form 596.

V. Production facilities descriptions (and letter affirming availability of proposed external facilities (see Sec. 3) if required).

VI. Proof of publication of Advisory Committee. Membership. (See Sec. 7.)

VII. Advisory Committee Membership. (See Sec. 7.)

VIII. On-the-Job-Training statement. (See Criterion III B 3 of Sec. 9.)

IX. Budget. (See Sec. 10.)

X. For LEAs only: (a) proof of Publication of Public Hearing Notice; and (b) copy of Public Hearing Meeting Minutes.

It should be noted that the intrinsic quality of the proposal—not elaborate or expensive art work, illustrations, specifically prepared and printed brochures, etc.—will be the major concern in the evaluation of proposals. Indeed, it would be expected that the proposal should itself communicate the cost-consciousness of the applicant.

Proposals must be submitted to the Application Control Center of the Office of Education in Washington, D.C. on or before the closing date. The notice of closing date will be published each year in the FEDERAL REGISTER.

It is important to remember that proposals must be completed in time to allow committee members ten (10) days to review the proposal, collect their comments, and submit the proposal with the comments to the Application Control Center on or before the closing date.

Sec. 9 *Point Award Criteria.*

Part A of the proposal (the narrative and the Appendix containing the advisory commitee comments), will be read by a panel of 10 persons, four of whom shall be full-time employees of HEW, and six of whom will be non-Federal employees. All Federal employees will have a background in television and/or relevant educational activity. Non-Federal review panel members will represent the target populations primarily served by ESAA, as follows: two Blacks; two Latinos, (no more than one of whom shall be Puerto Rican, Mexican-American, or Cuban-American); one Asian-American; one Native American. At least two will be female; at least two will have had experience in public television; at least one will have been employed by a state or local education agency in a capacity directly concerned with the education of minority students.

The proposal evaluation cirteria, all of which, with the exception of III B 3, "On-the-Job-Training," * are to be addressed in the program narrative as delineated below, carry a maximum of 100 points. The program narrative should be organized in sections in the order of the headings listed.

The point award criteria to be addressed in the program narrative, and the maximum number of points which can be awarded under each, are:

I. *Needs Assessment—(10 Points).*

High points will be given for the breadth, depth, and appropriateness of the data used for the assessment. Intuitive assessments will receive no credit. (20 U.S.C. 1610(b)(1)); (45 CFR 185.74(a)).

II. *Objectives—(15 Points total).*

A. *Articulation with Needs—(5 Points).*

Points will only be awarded to proposals whose objectives specifically and effectively meet the needs above.

B. *Realism of Objectives—(5 Points).*

Points will be awarded for those objectives which specifically meet the needs and which are judged capable of attainment through the proposed TV series. Claims judged to be excessive will be penalized.

C. *Personnel Involved in Objectives and Needs Determination—(5 Points).*

High points will be given where it is demonstrated that those involved in the determination of needs, and of the objectives derived therefrom, possess the relevant professional and experiential background, and include, to a significant degree, persons representative of the populations primarily to be served. (20 U.S.C. 1610(b)(1), 1610(b)(3)(A); (45 CFR 185.74(b))

III. *Activities—(63 Points total).*

A. *Program Content and Design—(33 Points).*

Content and design are equally important. That is, a series high in production values with little education content is as unacceptable as a series high in content value but using only "talking faces." High points, therefore, will be awarded only where there is shown to be a significant address to content concerns, and where the presentation formats, characterizations, and related production matters described give promise of attracting and holding the target population. It should also be shown that the series will provide for the educational growth of the audience, and that the programs can stand by themselves as effective instruction. Discussion of program format and design should communicate a clear idea of what the proposed series will eventually "look like." Sample script outlines and perhaps a complete sample script may be included to accomplish this.

B. *Staffing—(22 Points sub-total).*

1. *Overall Staffing Plan—(9 Points).*

High points will be given for a plan that realistically maximizes staff capability. Positions and responsibilities should be clearly delineated. Care should be taken to avoid both overstaffing and understaffing. Reporting responsibilities are to be spelled out, and provisions to insure a full and adequate flow of internal communication should be described.

2. *Minority Personnel Involvement—(9 Points).*

High points will be given where a plan is presented which gives reasonable assurance that minority group persons will staff key creative, administrative, and executive decisionmaking project positions. Where a specific person is proposed to staff a particular slot, that person's vita should be included. Where such a person is not already on the applicant's staff, a letter from the person indicating his or her intent to join the project, if funded, should be included. Plans for recruitment of minority group personnel not identified should be addressed with specificity.

3. *On-the-Job-Training—(4 Points).*

Two points (up to the maximum of 4) for Regional proposals, or one point (up to the maximum of 4) for National category proposals, will be awarded to each position identified for staffing throughout the length of the project by a trainee who, as the result of filling such a position, will have gained experience he or she might have never obtained, and thereby become qualified for assuming a position of technical or professional responsibility within the TV industry upon completion of the project. (Note: Clerical positions may not be designated for on-job-training slots.) This is the only point award criterion which will not be reviewed by the panel. Information pertaining to it, therefore, should be included as Item VIII, Part B, of the proposal. (See Sec. 8.) Each position to be filled by a trainee for the duration of the project should be listed. Points will be awarded here by administrative review.

C. *Supplementary Material—(2 Points).*

In order to provide teachers with information about the series for use in those situations where it is to be employed in a formal, in-school context, plans to develop a teachers guide should be made. Such a guide is limited to one single-spaced typewritten page per program. Illustrations, if any, are limited to xerographically reproducible line drawings. High points will be given for demonstrated awareness of what constitutes varied, realistic, and effective ancillary classroom activity.

D. *Project Advisory Committee—(6 Points).*

High points will be awarded where mechanisms are offered which insure meaningful participation of the advisory committee in the operation of the project. (20 U.S.C. 1610(b)(1), 1610(b)(3)(A)); (45 CFR 185.74(c))

IV. *Management and Scheduling—(7 Points).*

High points will be awarded for a flow chart or milestone chart which reveals a schedule of activities realistically planned to accomplish all proposed tasks. (Projects may run up to 23 months.)

V. *Formative Evaluation—(5 Points).*

Formative evaluation will be limited to an evaluation of the pilot program(s). Primary concern of the evaluation design should be to determine the appeal and attention hold of the pilot(s). Data on cognitive gains, to the degree that meaningful data can be obtained from a pilot program, should also be included. (20 U.S.C. 1610(b)(1), 1610(b)(3)(C)); (45 CFR 185.74(d)(e))

High points will be awarded for proposed testing techniques which can achieve the above goals and for the adequacy of the sample to be employed in the testing, both in terms of its size and of its geographical and ethnic representativeness.

Sec. 10 *Budget.*

A detailed budget is to be included in Part B. (See Sec. 8.) This budget is in addition to the summary called for in the application form.

Factors to be considered in budget review by OE staff will include total costs, cost per unit of program time, and reasonableness of costs. Cost elements unreasonably low to achieve a specific function should be avoided as much as costs which would be judged excessive. Budget breakdowns should be linked to specific tasks or milestones, and must be justified with reference to need and amount requested. (20 U.S.C. 1610(b)(1)); (45 CFR 185.74(f))

NOTE.—All costs to be cited in the proposal must be direct costs. No overhead rates or other indirect cost rates are allowed to calculate costs. Thus, all items usually included under overhead must be broken down. For example, if the applicant employs a receptionist/switchboard operator, and it is estimated that 25 percent of such a person's time would be devoted to matters arising from this contract, then 25 percent of the person's salary should be listed. Similarly, no "rates" for studio or other facilities may be quoted; rather facilities charges must reflect direct costs, and each element of cost must be listed separately. However, where facilities are to be sub-contracted, a subcontractor—as opposed to the applicant itself—may quote a rate since the proscription against receiving payments, except for actually incurred expenses, applies only to the contractor. (20 U.S.C. 1605(c)); (45 CFR 185.13(a)); (45 CFR 185.73(b))

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Social and Rehabilitation Service

GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Recommended Standards For Judicial Review of Reconsideration of Disallowance

Notice is hereby given that the standards set forth below are enunciated by the Acting Administrator, Social and Rehabilitation Service.

The purpose of this Notice is to set forth the Service's view of the timing, scope and nature of judicial review of reconsideration decisions made pursuant to section 1116(d) of the Social Security Act, 42 U.S.C. section 1316(d), under the procedures set forth in 45 CFR 201.14. The Notice addresses 5 primary issues:

1. the Service's view of the standing of State petitioners;
2. the proper timing of judicial review;
3. the court in which such judicial review would be sought;
4. the scope of judicial review;
5. The standard of review to be imposed by a court.

The Department believes that it is useful for both the Service and members of the affected public to have notice of how the service will conduct itself when judicial review of a reconsideration determination is sought. The basis for the particular recommendations are generally found in the various statutory and case law citations referred to in the discussion of the particular issues involved. Where restrictions on the Service are more stringent than required by strict application of the relevant statutes (see, *e.g.*, paragraph 5, below) it reflects the Service's belief that those particular standards would produce a more fair, proper and equitable result.

1. The Service believes that once the Administrator has issued a reconsideration decision the State is entitled to judicial review in accordance with the Administrative Procedure Act, 5 U.S.C. section 701 *et. seq.*

2. 45 CFR section 201.14 sets forth the procedure by which a State agency may formally request and obtain from the Administrator a reconsideration of an initial disallowance. The Service believes that this administrative procedure must be exhausted before there exists a final administrative action which may be subjected to judicial review. Since the Service believes that a State agency whose claims for Federal financial participation (FFP) have been initially disallowed will present for the Administrator's consideration all available facts and legal theories in support of its position, the Service does not consider it necessary or appropriate to expand the administrative reconsideration proceeding to permit intervention by potentially affected third parties.

3. The Service believes that the initial judicial review of a reconsideration decision may only be had in the United States District Courts. The Service does not believe that initial jurisdiction to review a reconsideration decision lies in the United States Courts of Appeals. This determination is based on a comparison of the language in section 1116(a)(3) of the Social Security Act, 42 U.S.C. section 1316(a)(3), with the languge contained in section 1116(d) of the Act, 42 U.S.C. section 1316(d). The former statutory provision specifies that a State dissatisfied with a final determination made after a reconsideration hearing pertaining to a new State plan under the public assistance titles, or with a final determination after a conformity or compliance hearing under the "04" sections of the Act, may "file with the United States Court of Appeals for the Circuit in which the State is located a petition for review of such determination." No comparable language is provided in section 1116(d) of the Act which governs reconsiderations. Accordingly, the Service does not believe that initial review of such 1116(d) reconsideration decisions properly lies in the Courts of Appeals. Moreover, the Service views a petition to review a reconsideration decision as a civil action where the matter in controversy exceeds $10,000 (as it invariably will) and arises under the laws of the United States, and not as a civil action or claim against the United States. Therefore, the Service considers that the applicable jurisdictional provision is 28 U.S.C. section 1331 which grants the District Courts original jurisdiction in such cases.

With respect to venue, the Service considers that such actions must be brought either in the United States District Court for the District of Columbia or in the United States District Court for the District in which the single State agency involved is located. The Service considers that the latter location is both the District where the plaintiff resides and the District where the cause of action arose, as required by 28 U.S.C. § 1391(e). Even if the expenditures which are the subject of a particular disallowed claim occurred in another District of the State, the cause of action will have arisen only when the single State agency submits a claim for such expenditures and the claim is disallowed. Thus, the cause of action will always arise in the District where the State agency is located.

The Service considers that its conclusions concerning proper venue of actions to review reconsideration determinations are required by 28 U.S.C. section 1391(e). That section governs in a civil action in which each defendant is an officer or an employee of the United States or any agency thereof acting in his official capacity or under color of legal authority. The Service expects that actions to review reconsideration determinations will be brought against the Administrator or Acting Administrator by name; it is to the Administrator (and not to the Service as an entity) that the Secretary has delegated the reconsideration authority granted to him by section 1116(d) of the Act. Thus, the Service does not consider that 28 U.S.C. section 1391(b) properly governs venue or that an action brought against the Service as a defendant is properly captioned. Nevertheless, the Service will not interpose such technical objections to any action to review a reconsideration determination, since the practical effect of the application of either 28 U.S.C. § 1391(b) or 28 U.S.C. section 1391(e) should be identical in virtually all cases.

4. The Service has concluded that current judicial decisions require that any court review of reconsideration decisions made by the Administrator should be based solely on the administrative record of the reconsideration proceeding on the basis of which the Administrator made his decision. No additional data, information or views may properly be presented to a reviewing court if they have not previously been presented to the Administrator and made part of the administrative record. The Regional Office and the single State agency are both obligated to submit and identify all relevant data and information at the administrative stage of the proceeding. It is improper for either to wait until the matter is pending before the court and then to identify new information, or to present new arguments to support a position. *Camp* v. *Pitts*, 411 U.S. 138(1973); *Citizens to Preserve Overton Park, Inc.* v. *Volpe*, 401 U.S. 402, 419–20(1971); *Bradley* v. *Weinberger*, 483 F. 2d 410, 414–15 (1st Cir. 1973). Accordingly, the Service believes that all cases involving review of reconsideration decisions made by the Administrator pursuant to section 1116(d) of the Act should properly be decided solely on motions to dismiss or for summary judgment. A trial *de novo* or the submission of additional written or oral testimony or other evidence would therefore not be considered proper.

The Service recognizes that, on occasion, the administrative record relating to a particular matter may be found, upon judicial review, to be unclear or incomplete. Under these circumstances the Service will request that the court remand the matter for further administrative proceedings, prior to final judicial ruling on the matter. *Securities and Exchange Commission* v. *Chenery Corp.*, 318 U.S. 80, 93–94 (1943). The Service believes that this procedure is preferable to a court decision based on an inadequate record and that the Service possesses the capability to develop material relating to incomplete portions of the record in a more expeditious manner than would a court.

Similarly, on occasion, the administrative record relating to a particular matter may be found, upon judicial review, to be clear and complete, but the court may require further elucidation of the rationale for the administrative action. Under these circumstances the Service may either request that it be permitted to provide such further explanation in writing directly to the court without further administrative proceedings, or that the matter be remanded to the agency for further administrative proceedings in order to provide the requested explanation. In neither event, however, does the Service consider it necessary or proper for a court to conduct its

own evidentiary hearing on the matter. A failure of the agency adequately to explain its actions is not a warrant to a court to conduct a *de novo* evidentiary hearing, but rather justifies a remand to the agency for a more complete articulation of its reasoning or a court hearing limited to that purpose. *National Nutritional Foods Association* v. *Weinberger*, 512 F. 2d 688 (2d Cir. 1975).

5. Under a strict reading of the Administrative Procedure Act, 5 U.S.C. section 706, the standard of review when judicial review of a reconsideration decision is sought would be that the agency's action will be allowed to stand unless it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. None of the other statutory standards of review specified in 5 U.S.C. section 706 is applicable. The Service does not consider that the substantial evidence standard of section 706(2)(E) is applicable since a reconsideration proceeding is not required to be conducted pursuant to 5 U.S.C. sections 556 and 557 as required by section 706(2)(E). Nevertheless, since the Service believes that the reconsideration procedures established in 45 CFR 201.14 will afford State agencies all substantive rights which they would have received in a formal administrative hearing (which is not required by the underlying statute, 42 U.S.C. section 1316(d)), the Service is prepared to accept the substantial evidence standard of review when judicial review of a reconsideraiton decision is sought. In summary, this Notice sets forth administrative policy with respect to judicial review. First, it enables a State agency which has had a claim for FFP disallowed to seek judicial review of the reconsideration decision of such disallowance and to challenge the sufficiency of the evidence upon which the Administrator based his decision. Second, in order to provide an adequate record for review, it requires the Administrator to identify at the administrative stage of the proceeding the documents and information on which his decision was based, and to articulate the reasons for that decision. Third, it assures that the Service will not interpose technical procedural issues and objections but rather will meet the substantive issue on its merits. Fourth, it seeks to assure that the court, in conducting its review, will consider only the data and information reviewed by the Administrator rather than new information which the Administrator has had no opportunity to review. In the opinion of the Service, this procedure establishes a fair and reasonable method of proceeding for all persons affected by a reconsideration decision.

The Service invites public comment on these standards and will consider possible modifications based on comments, suggestions or objections thereto, which are received in writing by the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013 on or before April 12, 1976. Comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C. beginning approximately two weeks after date of publication, on Monday thru Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

RECOMMENDED STANDARDS AND PROCEDURES FOR JUDICIAL REVIEW OF RECONSIDERATION DETERMINATION

(a) *Applicability.* These standards are applicable to judicial review under 5. U.S.C. section 701 *et seq.*, and where appropriate, 28 U.S.C. 2201, of any final administrative action taken by the Administrator pursuant to 42 U.S.C. § 1316 (d) and 45 CFR 201.14.

(b) *Exhaustion of administrative remedies.* If any action is filed requesting a stay or over-ruling of any administrative action taken by the Administrator with respect to a disallowance prior to final administrative action, the Service will request dismissal of such action or referral to the Administrator for an administrative determination on the grounds of a failure to exhaust the administrative remedies provided in 45 CFR Part 201, the lack of final agency action as required by 5 U.S.C. § 701 *et seq.*, and the lack of an actual controversy as required by 28 U.S.C. § 2201.

(c) *Reviewability of final agency action.* The Administrator's decision after reconsideration of a disallowance constitutes final agency action reviewable in the courts pursuant to 5 U.S.C. § 701 *et seq.*, and, where appropriate, 28 U.S.C. § 2201. It is the position of the Service that, except as otherwise provided in paragraph (d):

(1) Such final agency action exhausts all administrative remedies and is ripe for judicial review whether before or after enforcement, as of the date of final decision;

(2) The affected State has standing to obtain review of such final agency action; and

(3) It is not appropriate to move to dismiss such action on the ground that indispensible parties are not joined or that it is an unconsented suit against the United States if such defect could be cured by amending the complaint.

(d) *Jurisdiction and venue.* The Service will object to review of any matter if:

(1) Review is not sought in the United States District Court for the District of Columbia or the United States District Court for the District in which the State agency is located; or

(2) Final agency action has not occurred.

(e) The Service will take the position that the validity of the action shall be determined solely on the basis of the administrative record specified in 45 CFR 201.14, and that additional data, information, or views may not be considered.

(f) *Standard of review.* The Service will take the position that the action of the Administrator with respect to the reconsideration should be affirmed if it is supported by substantial evidence in the administrative record. It is irrelevant whether conclusions other than those made by the Administrator could have reasonably been drawn from the administrative record, as long as substantial evidence exists to support the decision.

(g) *Reopening the administrative record.* Upon judicial review of administrative action pursuant to this section:

(1) If a court determines that the administrative record is inadequate to support the action, the Administrator shall determine whether he wishes to proceed with such action.

(2) If the Administrator concludes that such action should be pursued, he shall either request that the court remand the matter to the agency to reopen the administrative proceeding and record, or he shall on his own initiative reopen the administrative proceeding and record upon receipt of the court's determination. Any such reopened administrative proceeding shall be conducted pursuant to the provisions of § 201.14 of this Part and in accordance with any directions of the court.

(3) If a court determines that the administrative record is adequate, but that the rationale for the action requires further elucidation, the Administrator will request either that he be allowed to provide such further explanation in writing directly to the court without further administrative proceedings, or that the administrative proceedings be reopened pursuant to paragraph (g)(2) of this section.

Dated: February 5, 1976.

DON I. WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.76-4035 Filed 2-10-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-76-481]

CHATEAU CHAPPARRAL

Hearing

In the matter of Chateau Chapparral, OILSR No. 0-3357-05-380 Doc. No. 75-319-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Alliance Corporation, David E. Bullert, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued December 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Chateau Chapparral, located in Chaffee County, Colorado, contain untrue statements of material fact of omit to state material facts required to be

stated herein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received January 15, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on March 30, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before March 16, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 26, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-3976 Filed 2-10-76;8:45 am]

[Docket No. N-76-483]

CONTINENTAL COUNTRY CLUB ESTATES ET AL.

Notice of Hearing

In the matter of Continental Country Club Estates, Unit I, OILSR No. 0-2367-02-488; Coconino Country Club Estates, Unit II, OILSR No. 0-3126-02-624; Canyon Country Club Estates, Unit III, OILSR No. 0-3787-02-754 Doc. Nos. 75-283-IS; 75-284-IS; 75-285-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. American Continental Homes, Inc., Glenn L. Pennington, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of Proceedings and Opportunity for hearing issued December 4, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Continental Country Club Estates, Coconino Country Club Estates, and Canyon Country Club Estates, located in Coconino County, Arizona, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received December 19, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on February 26, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before Februayr 12, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 15, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-3977 Filed 2-10-76;8:45 am]

[Docket No. N-76-484]

CRIPPLE CREEK MOUNTAIN ESTATES

Notice of Hearing

In the matter of Cripple Creek Mountain Estates, OILSR No. 0-1227-05-75 (A-L) Doc. No. 75-255-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Golden Cycle Land Corporation, W. B. Kopper, Authorized Agent, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of Proceedings and Opportunity for Hearing issued November 11, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Cripple Creek Mountain Estates, located in Teller County, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received December 9, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on February 23, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before February 19, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 16, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-3978 Filed 2-10-76;8:45 am]

[Docket No. N-76-482]

MANY LAKES VACATION VILLAGE

Notice of Hearing

In the matter of Many Lakes Vacation Village, OILSR No. 0-3018-31-16, Doc. No. 75-315-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Many Lakes Vacation Village, Francis L. Bitney, owner, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of Proceedings and Opportunity for Hearing issued December 19, 1975,

which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Many Lakes Vacation Village, located in Flathead County, Montana, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received January 6, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street S.W., Washington, D.C., on March 2, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before February 17, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 15, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-3979 Filed 2-10-76;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

NATIONAL BICENTENNIAL MEDAL

Discounts for Bulk Sales When Used in Products

The American Revolution Bicentennial Administration under specific authority of Congress has designed and offered for sale January 1, 1976 the official national commemorative of the Bicentennial—the National Bicentennial Medal. American Revolution Bicentennial Administration would like every American to have the opportunity to acquire this official national commemorative of the Bicentennial. The medals are:

Solid gold	(0.900 fine) 3-in diameter.	$4,000
Do	(0.900 fine) 1 5/16-in diameter.	400
Quarter size solid gold	(0.900 fine) 0.906-in diameter.	100
Sterling silver (antique).	3-in diameter	150
Sterling silver (proof)	1½-in diameter	25
Gold-plated bronze	do	15
Bronze	do	5

USE IN ARBA OFFICIAL COMMEMORATIVE PRODUCTS

It has been determined that incorporation of these medals into jewelry and other appropriate items to be licensed as officially recognized commemoratives of the ARBA under the ARBA licensing program generally in effect would result in greater public interest in these medals. Therefore the following policy has been established.

ARBA will discount the 1½" diameter bronze ($5.00), sterling silver proof quality ($25.00) and gold plated bronze ($15.00) 15% to purchasers in quantities of 100 and 20% in quantities of 1000 F.O.B. Philadelphia Mint. This price reflects cost savings of individual display cases, insurance, postage, advertising, individualized shipping and other costs attendant to the normal method of selling. These bulk sales will be made conditional on final product review consistent with the licensing guidelines and policy and issuance of an ARBA license for this specific product. Payment by certified check is required concurrent with issuance of this ARBA license and no advance royalty will be charged. A royalty on sales will be negotiated. ARBA retains the right of the final approval of all product and the medals may not be sold in any form other than as the product approved.

Send inquiries to:

Henry v. Z. Hyde, Jr., Director of Commemorative Sales ARBA, 2401 E Street N.W., Washington, D.C. 20276, Phone: (202) 634-1971.

JOHN W. WARNER,
Administrator.

FEBRUARY 6, 1976.

[FR Doc.76-4002 Filed 2-10-76;8:45 am]

BOARD FOR INTERNATIONAL BROADCASTING

PRIVACY ACT OF 1974

Systems of Record

The Board for International Broadcasting has been advised that records of systems are contained within the systems of records published by the U.S. Civil Service Commission (40 FR 39239, August 27, 1975). All U.S. Government personnel systems are inventoried under the USCSC system of records (as that inventory has been amended) at 5 CFR 552a.

In response to a recommendation by the General Services Administration (which provides the Board administrative support), the Notices of Record Systems proposed at 40 FR 40048, August 29, 1975 and adopted at 40 FR 59705, December 30, 1975, is hereby amended by deleting "General Personnel Files—BIB 3."

WALTER R. ROBERTS,
Executive Director.

FEBRUARY 5, 1976.

[FR Doc.76-3969 Filed 2-10-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27004; Order 76-2-16]

COMPANIA ECUATORIANA DE AVIACION, S.A. AND EMPRESA "ECUATORIANA DE AVIACION"

Statement of Tentative Findings and Conclusions and Order To Show Cause

Application pursuant to section 402 of the Federal Aviation Act of 1958, for transfer and amendment of foreign air carrier permit.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of February, 1976.

Compania Ecuatoriana de Aviacion, S.A. (CEA) is the holder of a foreign air carrier permit[1] authorizing: (a) foreign air transportation of persons, property, and mail between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, and Panama City, Panama; and the terminal point Miami, Florida; and (b) the performance of charter trips in foreign air transportation pursuant to Part 212 of the Board's Economic Regulations.

By application filed on September 4, 1974, as amended on January 28, 1976, CEA and Empresa "Ecatoriana de Aviacion" (Empresa)[2] request approval of the transfer to Empresa of the abovementioned foreign air carrier permit held by CEA.[3]

Empresa further requests that the permit be amended to authorize Empresa to engage in foreign air transportation: (1) to the additional intermediate point Havana, Cuba, and to New York, New York as a coterminal point with Miami, Florida on the existing route to Miami; and (2) on a new route between a point or points in Ecuador, the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Mexico City, Mexico; and the terminal point Los Angeles, California without traffic rights between Panama and Los Angeles or between Mexico City and Los Angeles. Provision

[1] Issued pursuant to Order 74-7-129, approved July 25, 1974.

[2] A copy of the application and the amendment have been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] Empresa also requests the Board to approve its use of the trade names "Ecuatoriana," "Ecuatoriana Airlines," and "Ecuatoriana de Aviacion." A specific provision to this effect is unnecessary since foreign air carriers already have authority under Part 215 of the Board's Economic Regulations to use such contractions and abbreviations of the names under which their permits are issued.

for such operations is made in a civil aviation Understanding[4] reached with the Government of Ecuador which supplements the bilateral Agreement.

The Government of Ecuador has advised the United States[5] that Empresa is a state agency duly constituted and established to operate private, international, and regularly scheduled service for the transportation by air of passengers, mail, and cargo. The franchise of CEA has been transferred to Empresa, and the property of CEA has been nationalized. Empresa will assume the payment of all debts and liabilities of CEA as well as compensation to the stockholders of CEA. The Government of Ecuador has formally designated Empresa under the Agreement between the United States and Ecuador as amended January 10, 1951, as supplemented by the Understanding, to provide the service contemplated by the Agreement in lieu of CEA. It is tentatively found from the foregoing that Empresa is owned and controlled by nationals of Ecuador and that it has been duly designated to provide the services contemplated by the Agreement as supplemented by the Understanding.

It is also tentatively found that Empresa is fit, willing, and able to provide the service for which authority is sought. As an agency of the Government of Ecuador, the new carrier has the resources of that Government available to support its operations. In granting the permit to CEA (Order E-11734 of August 26, 1957) to operate an Ecuador-Cali-Panama-Miami route, the Board found that the carrier met the fitness standards of the Act and that the services proposed were in the public interest. Again, in 1972-1973 in Orders 72-12-87 and 73-2-13 granting authority to serve Bogota as an additional intermediate point, and in 1974 in Orders 74-5-14 and 74-7-129 granting charter authority to CEA, the Board found that carrier fit. The record in that case showed that CEA has been operating the route with seven flights per week. The new carrier will have the benefit of the assets and experience of CEA in conducting its international operations. Empresa will operate to the United States with Boeing 720-B aircraft.

As noted, the Understanding reached with the Government of Ecuador makes provision for the additional route rights sought by Empresa to be granted to a designated carrier of Ecuador. The Understanding will remain in effect until December 31, 1980. Accordingly, in conformity with the Understanding, the Board tentatively concludes that it is in the public interest to issue an amended foreign air carrier permit in the form of the specimen permit attached to this Order to Empresa granting the applicant the requested additional route authority. Moreover, since the additional authority is granted pursuant to an Understanding due to expire on December 31, 1980, it is in the public interest to limit the duration of Empresa's foreign air carrier permit to five years.

On the basis of the record before us, Empresa has demonstrated that the transfer of CEA's foreign air carrier permit to Empresa, and the amendment of that permit to authorize the additional services provided for in the recent Understanding, are in the public interest and that it possesses the necessary fitness, willingness, and ability to provide these services and to conform to the provisions and requirements of the Act and the Board's Regulations.

In view of the foregoing and all the facts of record, the Board tentatively finds:

1. That Empresa is substantially owned and effectively controlled by nationals of Ecuador;

2. That Empresa has been designated by the Government of Ecuador under the Air Transport Services Agreement between the United States and Ecuador in lieu of CEA;

3. That it is in the public interest to transfer to Empresa "Ecuatoriana de Aviacion" the foreign air carrier permit held by Compania Ecuatoriana de Aviacion, S.A.;

4. That it is in the public interest to issue an amended foreign air carrier permit to Empresa "Ecuatoriana de Aviacion" authorizing the carrier, for a period of five years: (a) to engage in foreign air transportation with respect to persons, property, and mail (1) between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Havana, Cuba; and the coterminal points Miami, Florida and New York, New York; and (2) between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Mexico City, Mexico; and the terminal point Los Angeles, California; and (b) to engage in charter trips in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations;[6]

5. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this Order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

6. That Empresa "Ecuatoriana de Aviacion" is fit, willing, and able properly to perform the above-described foreign air transportation, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder; and

7. That it is in the public interest to cancel the foreign air carrier permit issued to Compania Ecuatoriana de Aviacion, S.A., by Order 74-7-129, effective upon the effective date of the permit issued herein to Empresa "Ecuatoriana de Aviacion."

Accordingly, it is ordered that:

1. All interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and why the permit issued to Ecuatoriana de Aviacion, S.A. by Order 74-7-129 should not, subject to the approval of the President pursuant to section 801 of the Act, be transferred, amended, and reissued to Empresa "Ecuatoriana de Aviacion" in the form of the specimen permit attached to this Order, and the foreign air carrier permit issued to Ecuatoriana de Aviacion, S.A., by Order 74-7-129 be canceled effective on the effective date of said permit;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 21 days after the adoption of this Order. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleading;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[7]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this Order shall be served upon Empresa "Ecuatoriana de Aviacion," Compania Ecuatoriana de Aviacion, S.A., and the Ambassador of Ecuador in Washington, D.C.

This Order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

CIVIL AERONAUTICS BOARD
PERMIT TO FOREIGN AIR CARRIER
(as amended)

EMPRESA "ECUATORIANA DE AVIACION"

Is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transporta-

[4] Implemented by exchange of diplomatic notes dated December 31, 1975, United States-Ecuador Understanding, October 17, 1975.

[5] By diplomatic note dated September 4, 1974, from the Embassy of Ecuador.

[6] By Order to Show Cause, Order 74-3-71, March 15, 1974 (Docket 26509) the Board proposed major revisions to Part 212 of its Economic Regulations. The permit issued herein will be subject to any revisions to Part 212 ultimately adopted in Docket 26509, and Empresa will be made a party to that proceeding.

[7] Since provision is made for the filing of objections to this Order, petitions for reconsideration will not be entertained.

tion with respect to persons, property, and mail, as follows:

1. Between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Havana, Cuba; and the coterminal points Miami, Florida and New York, New York.

2. Between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Mexico City, Mexico; and the terminal point Los Angeles, California.

The holder shall be authorized to operate via Panama and Mexico City on flights serving Los Angeles without traffic rights between Panama and Los Angeles or between Mexico City and Los Angeles.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The authority of the holder to provide charter service to and from any point in the United States pursuant to Board Regulations applicable to "on-route charters" shall not become effective until such date as Empresa "Ecuatoriana de Aviacion" inaugurates scheduled service to such point.

The holder shall not commence service authorized herein, except pursuant to an initial tariff setting forth rates, fares and charges no lower than rates, fares or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Ecuador for Ecuadorean international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Ecuador shall be parties.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, dated May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on _____ and unless otherwise terminated as hereinafter provided, shall continue in effect for five years. This permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the routes hereby authorized from the routes which may be operated by airlines designated by the Government of Ecuador (or in the event of the elimination of any part of a route or routes hereby authorized, the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Ecuador, in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Transport Services Agreement between the Government of the United States and the Government of Ecuador, signed January 8, 1947, as amended January 10, 1951; *Provided, however*, That clause (3) of this paragraph, shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Ecuador are or shall become parties.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executedf by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the _____.

[SEAL] _____,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on _____ in Order _____.

[FR Doc.76-4024 Filed 2-10-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ARBITRATION OF OTHER DISPUTE SETTLEMENTS PROCEDURES

Notice of Public Hearing

Commencing at 10:00 a.m. on Friday, March 5, 1976, the Commodity Futures Trading Commission will receive oral and written testimony from interested persons concerning the Commission's revised proposed rules on arbitration or other dispute settlement procedures. Interested persons may participate in this hearing, which will be held at the Arlington Room of the Madison Hotel, 15th and M Streets, N.W., Washington, D.C.

Background.—On July 10, 1975, the Commodity Futures Trading Commission published an interpretative statement in the FEDERAL REGISTER (40 F.R. 29121) which set forth the Commission's responses to six questions raised by boards of trade and other interested persons, concerning the requirements of section 5a(11) of the Commodity Exchange Act, as amended, 7 U.S.C. § 7a(11).[1] Thereafter, the Commission proposed rules setting forth requirements for contract markets and participants in arbitration or other dispute settlement pocedures. See 40 FR 34152 (August 14, 1975).[2]

After reviewing comments received on the proposed rules, the Commission revised its proposals and sought additional comments from interested persons. *See* 40 FR 54430 (November 24, 1975). The Commission has received additional comments on the revised proposed rules and has received requests for an opportunity for an oral hearing. The Commission has determined to grant such as opportunity.

At the oral hearing, the Commission requests comments particularly on proposed rules § 180.01, concerning the definition of "customer;" § 180.3, which would, among other things, prohibit clauses in contracts between futures commission merchants and customers that contain mandatory arbitration clauses; § 180.4, which concerns counterclaims made in a contract market arbitration or other dispute settlement procedures; and on whether the proposed rules should apply to cash market transactions. See 40 FR 54430 (November 24, 1975). The Commission further requests comments on the interrelationship of contract market procedures established pursuant to section 5a(11) and Commission reparation proceedings under section 14 of the Commodity Exchange Act, 7 U.S.C. § 18.[3] The Commission will also accept comments on other areas of the proposed rules that interested persons may wish to comment upon.

Persons interested in participating in the Commission's hearing should contact Ms. Jane Stuckey, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 254-6314, before February 27, 1976. In addition, persons wishing to appear at the Commission's hearing should forward an outline of their proposed testimony to Ms. Stuckey by March 2, 1976. Oral presentations will be limited to 15 minutes. The Commission or its staff may question commentators at the conclusion of their prepared testimony.

Issued in Washington, D.C., on February 5, 1976.

For the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-3975 Filed 2-10-76;8:45 am]

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[1] Section 5a(11) states that each contract market shall . . . provide a fair and equitable procedure through arbitration or otherwise for the settlement of customers' claims and grievances against any member or employee thereof: Provided, That (i) the use of such procedure by a customer shall be voluntary, (ii) the procedure shall not be applicable to any claim in excess of $15,000, (iii) the procedure shall not result in any compulsory payment except as agreed upon between the parties, and (iv) the term "customer" as used in this subsection shall not include a futures commission merchant or a floor broker. . . .

[2] The Commission's rules were proposed pursuant to §§ 5a(11) and 8a of the Commodity Exchange Act, as amended, 7 U.S.C. § 7a(11) and 12a.

[3] *See* 41 FR 3994 (January 27, 1976).

CONSUMER PRODUCT SAFETY COMMISSION

CHEMICAL MONOGRAPH REFERRAL CENTER (CHEMRIC)

Establishment

The purpose of this notice is to announce the establishment by the Consumer Product Safety Commission of a referral center to promote the sharing of information on monographs addressings the toxicity of chemicals. The Chemical Monograph Referral Center (CHEMRiC) to further the coordination of monograph projects within the Commission and within the Federal health community, leading to better quality monographs and avoidance of duplicate efforts. A monograph is a significant gathering of facts from the journal literature, texts and handbooks, data bases, qualified experts, and report literature relating to a chemical compound or family of compounds with emphasis on toxicity. Monographs may also be called "dossiers," criteria documents, etc. CHEMRiC welcomes participation by organizations and individuals engaged in or concerned with the production of such monographs.

The center is an approved activity of the Department of Health, Education, and Welfare's Committee to Coordinate Toxicology and Related Programs, Toxicology Information Subcommittee, and is operated by the Consumer Product Safety Commission, Bureau of Biomedical Science, Division of Scientific Coordination.

The Center accepts and stores notices of planned, in-progress, and recently completed monographs, and in return searches and reports on these notices on request. Searchable fields include chemical identification, title, keyterms, sponsoring organization, performing organization, and report number.

CHEMRiC welcomes participation by or- of the complete texts of monographs, nor does it provide publication or evaluation services.

For more information, write Chemical Monograph Referral Center, Consumer Product Safety Commission, 5401 Westbard Avenue, Room 700, Washington, D.C. 20207.

Dated: February 5, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-4051 Filed 2-10-76;8:45 am]

COST ACCOUNTING STANDARDS BOARD

CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE

Notice of Proposed Interpretation

Correction

FR Doc. 76-3310 which appeared on page 5134 in the issue for Wednesday, February 4, 1976, was inadvertantly placed in the Proposed Rules section. It should have appeared in the Notices section.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

DR. JAMES H. McNALLY

Certification

Pursuant to the provision contained in section 207 of Title 18 U.S.C. (Pub. L. 87-849, 76 Stat. 1124), having found that Dr. James H. McNally, formerly Assistant Director for Laser and Isotope Separation Technology, Division of Military Application, Energy Research and Development Administration (ERDA), and presently an employee of the University of California at the Los Alamos Scientific Laboratory, possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. James H. McNally acting as agent for or appearing personally before ERDA on behalf of the University of California in connection with performance of work under the University's Contract No. W-7405-ENG-36 with ERDA for the operation of the Laboratory, on matters in which he participated personally and substantially as an employee of ERDA or which were under his official responsibility as an ERDA employee.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: January 25, 1976.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.76-3941 Filed 2-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 487-5]

N.V. PHILIPS' GLOEILAMPENFABRIEKEN

Ambient Air Monitoring Reference and Equivalent Methods; Application for Determination

Notice is hereby given that on January 6, 1976, the Environmental Protection Agency received an application from N. V. Philips' Gloeilampenfabrieken, to determine if its model PW9700 SO_2 Analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

WILLIAM K. TALLEY,
Assistant Administrator for Research and Development.

JANUARY 30, 1976.

[FR Doc.76-3934 Filed 2-10-76;8:45 am]

[FRL 487-4]

THERMO ELECTRON CORP.

Ambient Air Monitoring Reference and Equivalent Methods; Application for Determination

Notice is hereby given that on December 18, 1975, the Environmental Protection Agency received an application from Thermo Electron Corporation, to determine if its Model 43 Pulsed Fluorescent SO_2 analyzer should be designated by the Administrator of the EPA as a reference or equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

CARL R. GERBER,
Acting Assistant Administrator for Research and Development.

JANUARY 23 1976.

[FR Doc.76-3935 Filed 2-10-76;8:45 am]

[FRL 487-3]

BECKMAN INSTRUMENTS, INC.

Ambient Air Monitoring Reference and Equivalent Methods; Application for Determination

Notice is hereby given that on December 31, 1975, the Environmental Protection Agency received an application from Beckman Instruments, Inc., to determine if its "Ambient CO Monitoring System" should be designated by the Administrator of the EPA as a reference or equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

JANUARY 30, 1976.

[FR Doc.76-3936 Filed 2-10-76;8:45 am]

[FRL-487-7]

MOBILE SOURCE AIR POLLUTION CONTROL

Notice of Bi-Monthly Public Meetings

Notice is hereby given that EPA officials, representatives of the auto industry, and others meet on a regular basis to permit interested parties to obtain informal comment from EPA on questions concerning EPA's interpretation of regulations, the status of EPA's research, test procedures, and any other matters related to automobile emission control of interest to the participants.

Meetings are held in the Conference Room, Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan, generally on the third Wednesday of each second month. The meetings are open to the public.

Anyone wishing to obtain information concerning future, as yet unscheduled, meeting dates should contact Director, Certification Division, EPA, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

This notice reflects no changes in the operation or function of industry meetings and is intended solely to ensure that interested parties are aware that these

periodic meetings occur and are open to the public.

The next meeting will be held at 9 a.m. on March 17, 1976.

Dated: February 4, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76-3933 Filed 2-10-76;8:45 am]

[FRL 488-6; OPP-42007A]

MISSISSIPPI

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any state certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On November 26, 1975, notice was published in the FEDERAL REGISTER (40 FR 54858) of the intent of the Regional Administrator, EPA, Region IV, to approve, on a contingency basis, the Mississippi State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Mississippi State Plan). Contingency approval was requested by the state of Mississippi pending promulgation of regulations pursuant to the Mississippi Pesticide Application Act of 1975 and the Mississippi Pesticide Law of 1975. Complete copies of the Mississippi State Plan were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Division of Plant Industry, Mississippi Department of Agriculture and Commerce, State College, Mississippi, and at the Agency's Technical Services Division, Federal Register Section, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the State Plan during the 30 day comment period. However, subsequent to formal submission and publication of the intent to approve the State Plan (FEDERAL REGISTER of November 26, 1975, page 54858), Mississippi has decided to essentially utilize one option for private applicator certification. This option is referenced in the State Plan summary (FR 54859) and is detailed on page 31(b)(3)(A) of the State Plan. This option employs a review questionnaire following the presentation of training material by the State Extension Service. After satisfactorily completing the review session, the trainee will sign an affirmation statement, which will also be signed by the trainer, attesting to the satisfactory completion of the training session by the trainee.

The Mississippi State Plan will remain available for public inspection at the office of the Division of Plant Industry, Mississippi Department of Agriculture and Commerce, Stone Boulevard, Mississippi State University, State College, Mississippi.

It has been determined that the Mississippi State Plan will satisfy the requirements of section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171 if proposed regulations to implement the new legislation are promulgated by the Division of Plant Industry. Also, Mississippi's pesticide applicator certification program under existing Mississippi laws requiring written examination, has been reviewed and found to meet the Agency's standards for certain specific categories. Those applicators who currently hold such Mississippi licenses gained by written examination shall be considered fully certified after passing an examination covering the general standards as set forth in EPA Standards (40 CFR 171.4 (b) and 171.6). Accordingly, the Mississippi State Plan is approved contingent upon promulgation of implementing regulations in accordance with and as prescribed in the Mississippi State Plan.

This contingency approval shall expire one (1) year from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the Federal Register concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Mississippi State Plan as a result thereof.

Effective date. Pursuant to Section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the one year contingency approval granted herein to the Mississippi State Plan shall be effective immediately. Neither the Mississippi State Plan itself nor this Agency's contingency approval of the Plan create any direct or immediate obligations on pesticide applicators or other persons in the State of Mississippi. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: January 6, 1976.

JOHN A. LITTLE,
Deputy Regional Administrator, Region IV.

[FR Doc.76-4061 Filed 2-10-76;8:45 am]

[FRL 488-7; OPP-180064]

PENNSYLVANIA

Crisis Exemption To Use DDT To Eradicate Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice tnat the Cooperative Extension Service (CES), Pennsylvania State University, availed itself of a crisis exemption for the use of DDT to eradicate a rabid bat colony located in the attic of a home in Bucks County, Pennsylvania. EPA received written notification of this action on January 12, 1976. This exemption is subject to the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the CES has submitted in writing the following certified information.

On Thursday, June 12, 1975, the occupant of the home in Bucks County was bitten by a bat. The bat was captured, checked for rabies and was found to be positive. The victim underwent treatment for rabies. It was considered essential that the remaining bats be eradicated as soon as possible. It was determined that there was no pesticide presently registered for that particular use in addition, the time element was so critical that there was no time to request a specific exemption.

The residence is located in Spring Valley, Bucks County, Pennsylvania. The material used was DDT 50% WP (wettable powder) applied at the rate of 1 pound per gallon to the exterior areas of the home where bats were entering. The material was applied on July 3, 1975, with a high pressure sprayer by a professional exterminating company. A total of 5 pounds of the material was applied (2½ pounds of active ingredient).

No adverse effects to man or the environment are anticipated as a result of the pesticide treatment. The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M St., SW., Washington, D.C. 20460.

Dated: February 6, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-4062 Filed 2-10-76;8:45 am]

[FRL 488-4; PP5G1633/T24]

PROPARGITE

Establishment of a Temporary Tolerance

Uniroyal Chemical Division, Uniroyal Inc., 74 Amity Rd., Bethany CT 06525, has submitted a pesticide petition (PP 5G1633) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the miticide propargite [2-(p-tert-butylphenoxy) cyclohexyl-2-propynyl sulfite] in or on the raw agricultural commodity sugar beet roots at 0.5 part per million (ppm). Establishment of this temporary tolerance will permit the marketing of sugar beet roots treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported in the petition has shown that

the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the tolerance will protect the public health. The temporary tolerance is established for this miticide, therefore, with the following provisions:

1. The total amount of the miticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Uniroyal Chemical must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make such records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires February 5, 1977. Residues not in excess of 0.5 ppm remaining in or on the above raw agricultural commodity after expiration of this temporary tolerance will not be considered actionable if the miticide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this miticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: February 5, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-4064 Filed 2-10-76;8:45 am]

[FRL 488-1]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Meeting Postponement

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93-523, the "Safe Drinking Water Act," scheduled to be held at 9:00 a.m. on February 12, 1976, and at 8:30 a.m. on February 13, 1976, in the EPA Regional Conference Room B, Eleventh Floor, 1600 Patterson Street, Dallas, Texas, 75201, has been postponed.

The next meeting of the National Drinking Water Advisory Council will be held at 9:00 a.m. on April 21-22, 1976, in Conference Room 1101, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C., 20460.

The purpose of the meeting will be to exchange information with the National Cancer Institute, the Food and Drug Administration, and the Center for Disease Control on health related programs, and to update the status on laboratory certification, training programs, public affairs, and underground injection control regulations.

The meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact the Executive Secretary, Patrick Tobin, Office of Water Supply (WH-550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460.

The telephone number is: Area Code 202/426-8847.

ANDREW W. BREIDENBACH,
Assistant Administrator
for Water and Hazardous Materials.

FEBRUARY 5, 1976.

[FR Doc.76-4063 Filed 2-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

FIXED SATELLITE ADVISORY COMMITTEE, 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

In further preparation for the 1979 World Administrative Radio Conference, a meeting of the Fixed Satellite Advisory Committee chaired by Raymond B. Crowell, will be held on Thursday, March 4, 1976, at 10:00 a.m., room 8210, located at 2025 M Street NW., Washington, D.C.

The meeting will be opened to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman. Any such oral statements should be cleared with the Chairman at least one day prior to the meeting.

The meeting will be conducted in accordance with the following agenda:

1. Chairmans Opening Remarks.
2. Approval of Minutes of January 29 Meeting.
3. Comments of Task Group Leaders.
4. Discussion of New Task Assignments.
5. Suggestions for Matters to be Covered at Next Meeting
6. Date of Next Meeting.
7. Any Further Business.
8. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-4022 Filed 2-10-76;8:45 am]

RADIO ASTRONOMY SERVICE WORKING GROUP FOR 1979 ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

FEBRUARY 6, 1976.

A meeting of the Radio Astronomy Service Working Group for the 1979 General World Administrative Radio Conference is scheduled to be held on Friday, February 27, 1976, at 9:30 A.M. in Room 6331 of the Commission's offices located at 2025 M Street NW., Washington, D.C. The agenda for this meeting will consist of the following:

1. Discuss revisions and updating of February 2, 1976 preliminary Radio Astronomy Service Allocation report to the FCC and in particular the questions addressed by the Westerhout ad hoc committee of CORF.
2. Inclusions of priority to spectral lines in allocation table (in the form of footnotes).
3. Feedback and comments from FCC on the preliminary report.

The advisory committee meeting is open to the general public and any written comments will be accepted before or after the meeting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-4020 Filed 2-10-76;8:45 am]

UNITED STATES-MEXICO VHF TELEVISION AGREEMENT OF APRIL 18, 1962

Amendment of Table A

FEBRUARY 4, 1976.

Pursuant to exchange of diplomatic notes between representatives of the U.S. and Mexican Governments, Table A of the U.S.-Mexico VHF Television Agreement has been amended as follows:

TABLE A

City	Channel No.	
	Delete	Add
La Rosita, Tamaulipas	8+	
Monterrey, Nuevo Leon [1]		8+

[1] Channel 8+. Special negotiated short-spaced allotment. Transmitting site to be located no less than 143 mi from cochannel assignment at Laredo, Tex., with visual effective radiated power restricted to 3.42 kW and 771-ft antenna height above average terrain, or the equivalent, in the general direction of Laredo, Tex., and maximum visual effective radiated power restricted to 16.2 kW at azimuths of approximately 80° and 260° true and 771-ft antenna height above average terrain, or the equivalent.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.76-4021 Filed 2-10-76;8:45 am]

1977 WORLD ADMINISTRATIVE RADIO CONFERENCE FOR THE PLANNING OF THE BROADCASTING-SATELLITE SERVICE IN FREQUENCY BANDS 11.7-12.2 GHZ

Joint Industry/Government Committee

THURSDAY, FEBRUARY 26, 1976

FEBRUARY 6, 1976.

Joint Meeting of Working Groups B and C together with CCIR Study Groups 10/11A and 10/11B to be held at 9:30 AM, Room 712A, 1800 "G" Street, N.W., Washington, D.C. The purpose of the meeting is to prepare a draft final report for Working Groups B and C.

The meeting will be open to broadcast industry representatives and interested members of the public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-4019 Filed 2-10-76;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC. AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James N. Jacobi, Esquire, Kurrus and Jacobi, 2000 K Street, N.W., Washington, D.C. 20006.

Agreement No. 10225 is a transshipment agreement between American Export Lines, Inc., (AEL) and Puerto Rico Maritime Shipping Authority (PRMSA), covering the transportation of general cargo under through bills of lading from ports in the United Kingdom and the European Continent, the Mediterranean and the Middle East to San Juan, Puerto Rico with transshipment at Baltimore, Maryland, under terms and conditions as specified therein.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: February 6, 1976.

[FR Doc.76-4028 Filed 2-10-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1412]

A.T.W. CARGO, INC.

Order of Revocation

On January 28, 1976, A.T.W. Cargo, Inc., 186 Franklin Street, New York, New York 10013, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1412 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised), § 5.01(b), dated June 30, 1975;

IT IS ORDERED, that Independent Ocean Freight Forwarder License No. 1412 issued to A.T.W. Cargo, Inc., be and is hereby revoked effective February 20, 1976, without prejudice to reapply for a license in the future.

IT IS FURTHER ORDERED, that a copy of this Order be published in the FEDERAL REGISTER and served upon A.T.W. Cargo, Inc.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76-4031 Filed 2-10-76;8:45 am]

[Independent Ocean Freight Forwarded License No. 1623]

MUELLER INTERNATIONAL

Order of Revocation

By letter dated January 2, 1976, Mueller International, P.O. Box 66226, Chicago, Ilinois 60666 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1623 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 2, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Mueller International has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c), dated June 30, 1976;

IT IS ORDERED, that Independent Ocean Freight Forwarder License No. 1623, issued to Mueller International, be returned to the Commission for cancellation.

IT IS FURTHER ORDERED, that Independent Ocean Freight Forwarder License No. 1623 be and is hereby revoked effective February 2, 1976.

IT IS FURTHER ORDERED, that a copy of this Order be published in the Federal Register and served upon Mueller International.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76-4032 Filed 2-10-76;8:45 am]

PORT OF PORTLAND, ET AL.

Assignment Agreement

Notice of assignment of Agreement No. T-2832 filed by:

Betty I. Crofoot, Staff Attorney, Port of Portland, Box 3529, Portland, Oregon 97208.

Agreement No. T-2832, between Port of Portland (Port) and Cook Industries, Inc., (Cook) approved by the Commission on October 1, 1973, is a 30-year lease (with renewal options) of a grain elevator and terminal facility at the Port of Portland, Oregon. The agreement provides for the consruction of a facility to be used in the handling of public agricultural products.

Cook and Columbia River Terminal Company (Columbia) have executed an Agreement for Assignment of Lease whereby Columbia has assumed the rights, duties and liabilities of Cook pursuant to Article IX, section 9.1 of the agreement, with the consent of Port.

Interested parties may inspect and obtain a copy of the Notice of Assignment at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the assignment at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; and Old Sna Juan, Puerto Rico. Parties desiring to comment on this matter may file such comments with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 23, 1976.

A copy of any such statement should also be forwarded to the party filing the notice of assignment and the statement should indicate that this has been done.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: February 6, 1976.

[FR Doc.76-4027 Filed 2-10-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND FRED IMBERT, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 2, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters

upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Julio Maymi Pagan, Executive Director, Puerto Rico Ports Authority, Commonwealth of Puerto Rico, Isla Grande, Puerto Rico.

Agreement No. T-3213, between the Puerto Rico Ports Authority (Port) and Fred Imbert, Inc. (Imbert), provides for Imbert's two-year (with renewal options) preferential as well as exclusive use of certain facilities at Pier 13, San Juan, Puerto Rico, for the docking, mooring and discharge of vessels, the handling and temporary storage of outbound and inbound cargo and supplies, and the handling of passengers. As compensation, Imbert shall pay Port an amount totaling $765.94 per month. In addition, Imbert shall pay wharfage and dockage charges normally assessed by the Port or a minimum annual payment of $60,000, whichever is higher, plus harbor dues, wharfage, dockage, demurrage, and all other normally assessed Port charges. Dockage and wharfage charges collected by Port at Pier 13 from other users will be credited to Imbert's established minimum, only when dockage and wharfage charges to Imbert are less than the minimum guarantee.

By Order of the Federal Maritime Commission.

Dated: February 6, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-4025 Filed 2-10-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND TRAILER MARINE TRANSPORTATION CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 2, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statment shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Julio Maymi Pagan, Executive Director, Puerto Rico Ports Authority, Commonwealth of Puerto Rico, Isla Grande, Puerto Rico.

Agreement No. T-3232, between the Puerto Rico Ports Authority (Port) and Trailer Marine Transportation Co., Inc., (T.M.T.), provides for T.M.T.'s 15-year preferential use of approximately 3.4 acres at Isla Grande Airport, San Juan, Puerto Rico, for the docking, mooring, loading and discharge of vessels, and the handling and temporary storage of outbound and inbound cargo. In addition, T.M.T. is granted the exclusive use of approximately 15 acres. T.M.T. will construct, at its own expense, the warehouse, office and maintenance and repair shop, and any other structure it might require for its operation. As compensation for the preferential use of the facilities, T.M.T. shall pay Port a monthly fee as detailed in the agreement. T.M.T. shall pay Port, for the use of the parcel of land stated in FMC Agreement No. T-3232-A, (contract No. 66-67-09, between Port and T.M.T. Trailer Ferry, Inc., now T.M.T.) those fees established in said agreement as long as specific provisions of the agreement regarding construction of the ramp and dredging have not been accomplished (in such case, the terms for the use of the pier facility including rent are those of Agreement No. T-3232-A). T.M.T. shall pay Port a land rental price of $0.23 per square foot per year for the additional 15 acres. T.M.T. shall also pay Port a minimum annual dockage and wharfage guarantee. Dockage and wharfage charges collected at the premises from other users will be credited to T.M.T.'s established minimum, only when the dockage and wharfage charges to T.M.T. are less than the minimum annual guarantee. T.M.T. shall not file with the Commission any petition for changes or modifications to freight maritime rates without first having discussed such petition with the Port. T.M.T.'s operations shall be subject to the schedule of rates and charges in effect at the Port.

By Order of the Federal Maritime Commission.

Dated: February 6, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-4026 Filed 2-10-76;8:45 am]

PUGET SOUND TUG & BARGE CO. ET AL.

Applications for Exemption From Requirements of the Shipping Statutes; Adoption of Environmental Negative Declaration

By publication in the FEDERAL REGISTER of December 31, 1975 (40 FR 60113), notice was given that the Federal Maritime Commission's Office of Environmental Analysis had determined that environmental issues relative to the above referenced applications did not constitute major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, *et seq.* and that the preparation of a detailed environmental impact statement was not required under section 4332(2)(C) of NEPA.

Ten days were permitted for filing exceptions to the Negative Declaration. No exceptions have been filed.

Notice is hereby given that the Federal Maritime Commission has this date adopted the Environmental Negative Declaration.

By the Commission February 2, 1976.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-4029 Filed 2-10-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 233]

SHIP SERVICE CO.

Order of Revocation

On January 30, 1976, Ship Service Co., 101 Ninth Street, Astoria, Oregon 97103, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 233 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01 (b), dated June 30, 1975;

IT IS ORDERED, that Independent Ocean Freight Forwarder License No. 233 issued to Ship Service Co., be and is hereby revoked effective January 30, 1976, without prejudice to reapply for a license in the future.

IT IS FURTHER ORDERED, that a copy of this Order be published in the FEDERAL REGISTER and served upon Ship Service Co.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76-4030 Filed 2-10-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-10(PGA)]

ARKANSAS LOUISIANA GAS CO.

Settlement Conference

FEBRUARY 5, 1976.

Take notice that on February 12, 1976, a settlement conference will be held in the above-docketed proceeding concerning the proposed increased rates under the purchased gas adjustment clause as filed by Arkansas Louisiana Gas Company (Arkla) on September 15, 1975.

This conference will be held in Room 8402 at the Federal Power Commission, 825 North Capitol St., Washington, D.C. 20426, at 10:00 a.m., on Thursday, February 12, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4153 Filed 2-10-76;8:45 am]

[Docket No. RP76-62]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Request for Approval of Proposed Emergency Purchase

FEBRUARY 5, 1976.

Take notice that on January 30, 1976, Transcontinental Gas Pipe Line Corporation (Transco) filed with the Commission a request for advance approval of a purchase from Amoco Production Company (Amoco) of "a large volume 60-day emergency purchase under Section 157.29 of the Commission's Regulations under the Natural Gas Act." Transco states that it believes the such proposed purchase will provide a very substantial benefit to its pipeline system in terms of alleviating the severe curtailment situation during the present winter heating season. However, Transco states further, while it desires to consummate such purchase, it cannot do so without Commission approval because of the financial exposure to the Company if the Commission should later disallow from Transco's rates any portion of the purchase price.

Transco states that the price to be paid Amoco for such gas is $1.965 per MMBtu, and that estimated volumes are up to 12 Bcf. Transco further contends that the circumstances surrounding such proposed purchase, set forth in detail in its January 30, 1976 letter request, satisfy Commission-enunciated guidelines for flow-through of costs of emergency gas supplies.

Transco states that Commission approval of the proposed purchase is needed by no later than February 14, 1976, if the 60-day purchase is to be accomplished within Transco's winter period under its curtailment plan (Docket No. RP72-99).

It appears reasonable and in the public interest that the period for filing interventions and protests be shortened. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1976 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4152 Filed 2-10-76;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERATED CAPITAL CORP.

Order Denying Acquisition of Bank

Federated Capital Corporation, Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of South Park National Bank, San Antonio, Texas ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest bank holding company in Texas, controls six banks with aggregate deposits of $943 million, representing approximately 2.2 percent of total deposits in commercial banks in the State.[1] Since Bank is a proposed new bank, its acquisition by Applicant would neither immediately increase Applicant's share of deposits nor alter its rank in the State.

Bank would be located in the southern portion of the city of San Antonio and would be competing in the San Antonio banking market.[2] Applicant presently has two banking subsidiaries in the relevant market and ranks as the third largest banking organization with 10.8 per cent of total commercial bank deposits in the market. There are 41 banking organizations in the relevant market and the two largest (each of which is a multibank holding company) control approximately 26 and 16 per cent, respectively, of the total commercial bank deposits in the market. Since Bank is a proposed new bank, its acquisition by Applicant would not eliminate any existing or potential competition, nor would the concentration of banking resources be increased in any relevant area. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

With regard to convenience and needs considerations, the establishment and acquisition of Bank by Applicant could result in the increased availability of services for the residents of the area. To this extent, considerations relating to the convenience and needs of the community to be served are consistent with, and lend some weight toward, approval of the application.

However, in acting on an application by a bank holding company to expand its banking interests, the Board is required by the Bank Holding Company Act to consider the financial and managerial resources of the applicant holding company and of its subsidiaries. In the exercise of that responsibility with respect to the present proposal, the Board finds that such considerations warrant denial of the application.

In regard to financial and managerial considerations, the Board notes that Applicant has experienced some difficulties that have placed a strain on its overall financial condition. Moreover, a number of recent management changes have occurred at Applicant and certain of its subsidiaries. In view of such circumstances, the Board believes that it would be inappropriate for Applicant to expand its banking interests at this time through the establishment of a new bank, since such action would divert the resources of Applicant from its existing operations at a time when those operations are requiring Applicant's full attention. Accordingly, the Board is of the view that considerations relating to financial and managerial resources lend weight toward denial of the application, and as adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community, it is the Board's judgment that approval of the application would not be in the public interest and that the application to acquire Bank should be denied.

By order of the Board of Governors,[3] effective February 3, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3943 Filed 2-10-76;8:45 am]

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1975.

[2] The San Antonio banking market is approximated by the San Antonio SMSA, which includes Bexar, Comal, and Guadalupe Counties.

[3] Voting for this action: Vice Chairman Mitchell and Governors Holland, Wallich, Coldwell, Jackson and Partee. Absent and not voting: Chairman Burns.

MELCAP, INC.

Formation of Bank Holding Company

Melcap, Incorporated, Melrose Park, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Melrose Park National Bank, Melrose Park, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 26, 1976.

Board of Governors of the Federal Reserve System, February 3, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3944 Filed 2-10-76;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire 80 percent or more of the voting shares of Gillioz Bank and Trust Company, Monett, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 27, 1976.

Board of Governors of the Federal Reserve System, February 3, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3945 Filed 2-10-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

PARTIALLY CLOSED MEETING

FEBRUARY 6, 1976.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, March 15 and 16, 1976. The Monday afternoon session between 1:30 p.m. and adjournment at approximately 4:30 p.m. will be closed to the public under authorization of the Acting Assistant Secretary of Commerce for Administration in the determination dated February 6, 1976, cosigned by the Assistant General Counsel for Administration, and attached to this notice. Closure is necessitated by security classified briefings (1) by agency officials from Departments of Defense, Interior, Commerce, and possibly others, concerning the capabilities and potential alternative uses for the ship GLOMAR EXPLORER, and (2) discussions with Department of Defense officials regarding defense oceanography programs and recent studies of a planning nature regarding future requirements. All other sessions will be open to the public.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. All members of the Committee have appropriate security clearances.

A general agenda contains the following topics:

Monday—March 15, 1976—Morning Open—Begins at 9:00 a.m. in Room 6802, Department of Commerce Building. Adjourns approximately 12:30 p.m.

Progress reports by NACOA working groups on the subjects of climate, coastal zone management, and organization.

Monday—Afternoon Closed—Begins at 1:30 p.m. in Room 4830, Department of Commerce Building.

Classified briefings by agency officials from Departments of Defense, Interior, Commerce, and possibly others, concerning the capabilities and potential alternative uses for the ship GLOMAR EXPLORER; and discussions with Department of Defense officials regarding defense oceanography programs and recent studies of a planning nature regarding future requirements.

Tuesday-March 16, 1976-Open-Begins at 9:00 a.m. in Room 6802, Department of Commerce Building. Lunch break from 12:00 to 1:00 p.m. Adjourns approximately 3:00 p.m.

Plans for the Fifth Annual Report; and progress reports by NACOA working groups on the subjects of fisheries, maraculture, and the protection of offshore assets.

The public is welcome at the open sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

In accordance with the court order in "Aviation Consumer Action Project vs. Washburn" the determination to close a portion of this meeting is published below.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

DETERMINATION MADE PURSUANT TO SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a regular meeting in Washington, D.C., on Monday and Tuesday, March 15 and 16, 1976. By memorandum of February 4, 1976, the Chairman of the Committee has requested that the afternoon session between 1:30 p.m. and adjournment at approximately 4:30 p.m. on Monday the 15th be closed.

This session will consist of (1) briefings and discussions by NACOA members, agency officials from Departments of Defense, Interior, Commerce, and possibly others, concerning the capabilities and potential alternative uses for the ship GLOMAR EXPLORER, and (2) discussions with Department of Defense officials regarding defense oceanography programs and recent studies of a planning nature regarding future requirements. These briefings and ensuing discussions will include security classified information up to and including the SECRET level. Any nonclassified information will be so intermixed with the classified information that it is not feasible in any respect to separate them.

Pursuant to the authority delegated to me by the Secretary of Commerce, I find and determine that the afternoon session of the Monday meeting will be concerned with matters listed in Section 552(b)1 of Title 5, United States Code as "A. specifically authorized under criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy and B. are in fact properly classified pursuant to such Executive order," and that the session may be closed to the public to protect security classified information and to insure the free discussion thereof.

Dated: February 6, 1976.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

Dated: February 5, 1976.

A. MEISNER,
Assistant General Counsel for Administration.

[FR Doc.76-4059 Filed 2-10-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on February 27, 1976 from 9:00 a.m.-5:00 p.m., and on February 28, from 9:00 a.m.-3:00 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the two-day meeting is to review the 1976 Annual Report, to be briefed on the National Institute of Education's Compensatory Education Study, and to have a planning session for the NACEDC's 1976-77 Annual Report Year.

Because of limited space, all persons wishing to attend should call for reservations by February 23, 1976, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on February 5, 1976.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.76-3942 Filed 2-10-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-11]

APPLICATIONS STEERING COMMITTEE, ATMOSPHERIC CLOUD PHYSICS LABORATORY ADVISORY SUBCOMMITTEE

Establishment; Notice of Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, Atmospheric Cloud Physics Laboratory (ACPL) Advisory Subcommittee is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this Advisory Subcommittee is to assist NASA in the definition and planning of scientific experiments to be conducted on the planned ACPL missions and serve in an advisory capacity concerning these experiments and the application of their results.

WILLIAM W. SNAVELY,
Assistant Administrator for Department of Defense and Interagency Affairs.

FEBRUARY 5, 1976.

[FR Doc.76-3974 Filed 2-10-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on March 3, 1976 from 9:30 a.m.-5:00 p.m. in Room 1127 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public from 9:30 a.m.-1:30 p.m. and from 2:30 p.m.-5:30 p.m. on a space available basis. Accommodations are limited. During the open session graphics of ACTION will be discussed.

The remaining session of this meeting from 1:30 p.m.-2:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975 on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552 (b), (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-3994 Filed 2-1-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19374; (70-5802)]

CENTRAL POWER AND LIGHT CO. AND CENTRAL AND SOUTH WEST CORP.

Proposed Capital Contribution by Holding Company to Subsidiary

FEBRUARY 5, 1976.

In the matter of Central Power and Light Co., P.O. Box 2121, Corpus Christi, Texas 78403 and Central and South West Corp., P.O. Box 1631, Wilmington, Delaware 19899.

NOTICE IS HEREBY GIVEN that Central and South West Corporation ("CSW"), a registered holding company, and Central Power and Light Company ("CPL"), one of CSW's electric utility subsidiary companies, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9, 10 and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to make a $20,000,000 capital contribution to CPL. The capital contribution will be added to CPL's common stock capital account and will be used together with other funds for CPL's 1976 construction and fuel exploration and development expenditures. CPL states that it expects to spend approximately the following amounts for construction of plant and for fuel exploration and development in 1976:

Generation	$86,146,000
Transmission	8,766,000
Distribution and other plant	22,987,000
Fuel exploration and development	6,860,000
Total	124,759,000

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $3,000, including legal fees of $950.

NOTICE IS FURTHER GIVEN that any interested person may, not later than March 1, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-3999 Filed 2-10-76;8:45 am]

[Rel. No. 19375; 70-5795]

METROPOLITAN EDISON CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

FEBRUARY 5, 1976.

NOTICE IS HEREBY GIVEN that Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania, 19605, ("Met-Ed"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the

Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $50,000,000 principal amount of First Mortgage Bonds, due not later than March 1, 2006 ("Bonds"). The interest rate (which shall be a multiple of ⅛ of 1%) and the price (which shall be not less than 98% and not more than 101% of the principal amount of the Bonds, plus accrued interest from March 1, 1976 to the date of delivery) will be determined by competitive bidding. The bidding procedure will not establish a minimum or maximum interest rate within which bids may be submitted. The Bonds will be issued under the Indenture, dated as of November 1, 1944, between Met-Ed and Morgan Guaranty Trust Company of New York, Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Supplemental Indenture to be dated as of March 1, 1976. None of the Bonds may be redeemed at the option of Met-Ed prior to March 1, 1981, if the funds for such redemption are obtained at an interest cost lower than the yield of the Bonds, except under certain circumstances. Met-Ed will notify prospective bidders, not less than 72 hours prior to the time for receiving bids, of the maturity date of the Bonds and whether the Bonds will include a mandatory redemption provision, beginning in 1982, to reedem annually for cash a specified percentage (not to exceed 4%) of the aggregate principal amount of the Bonds to be originally issued.

The entire proceeds (exclusive of any premium or discount and accrued interest) from the sale of the Bonds will be applied to the payment at or before maturity of all of Met-Ed's approximately $6,000,000 of short-term bank loans expected to be outstanding at the date of sale of the Bonds and for construction expenditures. The estimated cost of Met-Ed's 1976 construction program is approximately $90,000,000 (including allowance for funds used during construction). Met-Ed's 1977 construction program is estimated to be approximately $80,000,000.

The fees and expenses to be incurred by Met-Ed in connection with the proposed transaction are estimated at $150,000, including legal fees of $39,000. Printing and engraving expenses are estimated at $63,000. Fees of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than March 2, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-4000 Filed 2-10-76;8:45 am]

[Rel. No. 9146, 812-3898]

SCUDDER CASH INVESTMENT TRUST

Notice of Filing of Application

FEBRUARY 5, 1976.

NOTICE IS HEREBY GIVEN that Scudder Cash Investment Trust, 10 Post Office Square, Boston, Massachusetts 02109 ("Applicant"), an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 19, 1976, pursuant to Section 6(c) of the Act for an order of the Commission exempting Applicant from Section 10(b)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Massachusetts business trust on December 12, 1975. On that date Applicant filed a Notification of Registration on Form N-8A (File No. 811-2613) and a Registration Statement on Form N-8B-1 under the Act. On that date Applicant also filed a Registration Statement on Form S-5 under the Securities Act of 1933 (File No. 2-55166), covering Applicant's shares of beneficial interest without par value, which Registration Statement has not yet become effective.

Scudder, Stevens & Clark ("Advisers"), a partnership which is registered as an investment adviser under the Investment Advisers Act of 1940, will enter into an investment advisory agreement with Applicant whereby it will agree to provide Applicant with investment research, advice and supervision and to furnish an investment program for Applicant's portfolio consistent with the investment objectives and policies of Applicant. Applicant intends to enter into an underwriting agreement with Scudder Fund Distributors, Inc. ("Distributors"), a wholly owned subsidiary of Adviser which, as agent, will offer Applicant's shares to investors in those states in which the shares are qualified and in which it is qualified as a broker-dealer. The underwriting agreement will provide that Distributors accept orders for shares at net asset value as no sales commission or load is charged the investor.

Section 10(b)(2) of the Act provides, in pertinent part, that "(b) No registered investment company shall . . . (2) use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested persons of any of such principal underwriters. . . ."

Applicant states that it presently has a Board of Trustees the majority of the members of which are interested persons of Adviser and, therefore, Distributors. It is intended that Applicant and Adviser shall comply with all the provisions of clauses (1) to (8) inclusive of Section 10(d) of the Act. At the time the underwriting contract mentioned above is executed, Applicant desires that, in addition to the permission granted by Section 10(d) to have all but one of its trustees interested persons of Adviser, it may be permitted to have all but one of its trustees interested persons of Distributors. To that end Applicant desires an appropriate exemption from Section 10(b)(2).

Applicant asserts that it desires to establish a method for wide distribution of its shares and believes that this can be best accomplished through a principal underwriter. Applicant does not wish to charge a sales load. Moreover, as stated above, Applicant intends to be a Section 10(d) company and as such is strictly limited as to sales expenses by Section 10(d)(5) of the Act. Applicant states that, under these circumstances, only the Adviser or a company wholly owned by the Adviser or its partners could afford to undertake the expense of acting as principal underwriter. Adviser, however, for reasons incident to the conduct of its own business, of which its relationship with Applicant is only a part, does not wish to become a principal underwriter.

Applicant states that notwithstanding the provisions of Section 10(d), the provisions of Section 10(b)(2) appear to prevent Distributors from acting as prin-

cipal underwriter of Applicant. Applicant submits that the reasons for permitting an investment company which meets the requirements of Section 10(d) to have only one director completely independent of the investment adviser are equally persuasive for permitting it to have only one director who is not an interested person of a principal underwriter which is wholly owned by the investment adviser.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person from any provision or provisions of the Act conditionally or unconditionally if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than March 1, 1976, at 5:30 p.m., submit to the Commission in wrting a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of any attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76–4001 Filed 2–10–76;8:45 am]

federal register

WEDNESDAY, FEBRUARY 11, 1976

PART II:

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

■

NAVIGATION POLICY: COST APPORTIONMENT OF BRIDGE ALTERATIONS

Proposed Policies and Procedure

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 277]

NAVIGATION POLICY: COST APPORTIONMENT OF BRIDGE ALTERATIONS

Proposed Policies and Procedures

The Chief of Engineers is proposing policies and procedures for determining the sharing of costs between the Federal Government and a non-Federal bridge owner when a bridge is to be altered or relocated for a proposed navigation improvement. The policies and procedures will be used in cost sharing recommendations made to Congress for navigation improvements proposed by the Chief of Engineers.

The Corps of Engineers has historically followed the cost sharing policies of the so-called "Truman-Hobbs Act" (33 U.S.C. 516), first enacted by Section 6, Public Law 647, 21 June 1940. The Act has been amended several times, and in 1966 the responsibility for its implementation was transferred from the Corps of Engineers to the U.S. Coast Guard. The Truman-Hobbs Act allows the Federal Government to order the alteration of a bridge which obstructs navigation, and provides guidelines for the sharing of the costs of such alterations between the Federal Government and the bridge owner.

The Chief of Engineers is not legally bound to the provisions of 33 U.S.C. 516 for bridge alterations required for navigation improvements recommended to Congress. However, the Chief of Engineers is proposing to adopt the principles of 33 U.S.C. 516 as a matter of policy, as an equitable sharing of costs between the bridge owner and the Federal Government. Under established procedures for recommending navigation improvements to Congress, the Chief of Engineers would obtain assurances from the bridge owner that the costs apportioned in accordance with the policies and procedures contained in this regulation will be provided to the Federal Government prior to the Corps initiating the bridge alteration. The regulation also permits the Corps to recommend improvements if such assurances cannot be obtained.

Prior to adopting policies and procedures for cost apportionment of bridge alterations, the Chief of Engineers invites comments from the public, particularly bridge owners which may be affected by a needed bridge alteration for a proposed navigation improvement. Comments may be submitted to the following address on or before 31 March 1976.

Chief of Engineers, Attn: DAEN-CWP-A, Department of the Army, Washington, D.C. 20314.

Dated: January 27, 1976.

KENNETH E. MCINTYRE,
Brigadier General, USA,
Acting Director of Civil Works.

PART 277—NAVIGATION POLICY: COST APPORTIONMENT OF BRIDGE ALTERATIONS

Sec.
277.1 Purpose.
277.2 Applicability.
277.3 References.
277.4 General.
277.5 Basic Policies.
277.6 Coordination With the U.S. Coast Guard.
277.7 Procedures for Apportionment of Costs.

AUTHORITY: 33 U.S.C. 1.

§ 277.1 Purpose.

This regulation provides policies and guidelines for the apportionment of bridge alteration costs required in connection with navigation improvements recommended in reports transmitted to the Chief of Engineers for approval or submitted to Congress for authorization.

§ 277.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 277.3 References.

(a) Section 6, Public Law 647, 21 June 1940, as amended (33 USC 516).

(b) Section 7, Public Law 89-670, Department of Transportation Act, 15 October 1966 (49 USC 1656).

(c) Coast Guard reference: G-ECV-1, Truman-Hobbs Act, File No. 3272.

(d) ER 1105-2-50, Continuing Authorities Program (33 CFR 263).

§ 277.4 General.

Public Law 647, commonly referred to as the "Truman-Hobbs Act", provides for the alteration of railroad and highway bridges when found unreasonably obstructive to navigation. Section 6 of that Act establishes policies for the apportionment of such bridge alteration costs. Section 7, Public Law 89-670, transferred to the Secretary of Transportation from the Secretary of the Army the responsibility for administration of the Act. Pursuant to this responsibility, the Secretary of Transportation has established implementing procedures based on those previously adopted and utilized by the Chief of Engineers prior to 15 October 1966. This regulation adapts these cost apportionment procedures, found in reference § 277.3(c), to Corps of Engineers planning.

§ 277.5 Basic policies.

(a) The cost apportionment principles of 33 U.S.C. 516, are applicable to the costs of bridge alterations recommended by reporting officers in the interest of navigation during preauthorization planning, including studies conducted under the Continuing Authorities Program (ER 1105-2-50).

(b) The bridge owner shall bear such part of the cost as is attributable to the direct and special benefits which will accrue to the bridge owner as a result of the alteration, including the expectable savings in repair or maintenance costs. That part of the cost attributable to the requirements of railroad or highway traffic shall also be borne by the bridge owner, to include any expenditure for increased carrying capacity of the bridge, and such proportion of the actual capital cost of the old bridge as the used service life bears to the total estimated service life.

(c) In general, the Federal Government's participation in the cost of a bridge alteration shall be limited to providing a functional facility equal in every respect, as near as possible, to the existing facility, while also providing navigational clearances required to meet the anticipated and reasonable needs of navigation.

(d) If the bridge owner or other local interests desire improvements or modifications in the new bridge design for reasons other than eliminating an obstruction to navigation, the reporting officer may recommend such improvements if such local interests provide necessary assurances to pay the costs apportioned to them, based on Federal cost sharing policies for the purpose served.

(e) In the case of small boat harbors and channels, the costs of raising bridges strictly for recreational navigation shall be cost-shared 50 percent Federal and 50 percent non-Federal. Other bridge alteration costs associated with small boat harbors and channels, and not apportioned to the bridge owner by the procedures provided in this regulation, shall be also shared on the basis of 50 percent Federal and 50 percent non-Federal, the same as the costs of other general navigation facilities.

(f) Reporting officers shall obtain letters of intent from local interests for non-Federal costs apportioned under the provisions of this regulation, in accordance with established procedures for preauthorization feasibility studies. If such letters cannot be obtained, the reporting officer may recommend authorization of the project with the bridge alteration to be accomplished by the bridge owner upon the determination of the U.S. Coast Guard pursuant to its authority under 33 U.S.C. 516, prior to initiation of construction.

§ 277.6 Coordination with the U.S. Coast Guard.

In accordance with an agreement signed by the Chief of Engineers on 18 April 1973, (see EP 1165-2-2 for a copy of the agreement), reporting officers shall consult with the Coast Guard on contemplated and recommended navigation improvements which involve the consideration of bridge alterations. Determination of navigational requirements for horizontal and vertical clearances of bridges across navigable waters is a responsibility of the Coast Guard. The Chief of Engineers shall coordinate preauthorization feasibility reports, which include recommended bridge alterations, with the Commandant, U.S. Coast Guard.

§ 277.7 Procedures for apportionment of costs.

This paragraph provides the procedures for apportionment of costs of bridge alterations, as established by the U.S. Coast Guard (reference § 277.3(c)) and adapted for use in Corps planning and construction programs. A sample apportionment of the cost of a hypothetical bridge alteration is provided in Appendix B.

(a) *Calculate the Total Estimated Cost of Bridge Alteration.* The total estimated cost, to be apportioned by these procedures, includes the cost of all necessary appurtenances required to complete the alteration for use by both highway and railway traffic, including engineering, design and inspection.

(b) *Determine the Salvage Value of Bridge to be Altered.* The salvage value represents the worth of the materials in the old bridge which may be used for scrap or for other purposes. The value will vary depending on the intended use of the materials.

(c) *Determine Direct and Special Benefits.* (1) Removing old bridge. The bridge owner shall pay a share of the removal cost computed as that part of the removal cost that the used service life bears to the total estimated service life. The share of the bridge owner, thus computed, represents an obligation incurred by the owner now by reason of the needs of navigation which otherwise would not have to be met until the bridge had reached the end of its useful life. Accordingly, the present worth of the amount is computed deferred over the unexpired life. The interest rate to be used in the present worth computation is that established by the Water Resources Council, current at the time of the study.

(2) Fixed charges. A fixed charge such as engineering, design, and inspection costs, is an undistributed cost, shared in the ratio that each party shares in the cost of construction less fixed charges. In computing the bridge owner's share of the fixed charges, all other financial liabilities assigned to the bridge owner shall be included in the computation.

(3) Contribution. Costs associated with para 5d are included in the cost apportionment if the bridge owner desires the additional modifications. If a third party should be involved, such as a party which might benefit from some reasonable modification beyond the needs of navigation and the needs and desires of the bridge owner, that party would be responsible for the incremental costs of such further modification, and such costs would not enter into the apportionment between the bridge owner and the Federal Government.

(4) *Betterments.* Items desired by the bridge owner, but which have no counterpart in the old bridge or are of higher quality than similar items in the old bridge, will be included under this heading. Items considered to fall within this category are listed below. This list serves as a guide to indicate the types of items that may be considered betterments. The cost of such items will be borne by the bridge owner.

(i) Access roads.

(ii) Concrete or stone finish of embankment slopes instead of seeding.

(iii) Water proofing and skid-resistant epoxy finish of masonry surfaces.

(iv) Steel or concrete spans instead of timber trestle.

(v) Ballasted deck instead of open deck.

(vi) Trainman's walkways and sidewalks.

(vii) Elevators costing more than stairways.

(viii) Materials of greater thickness or heavier weight than supported by design requirements.

(ix) Exotic materials for machinery and operator's houses, including tinted and insulated windows.

(x) Heaters and insulation in the machinery house.

(xi) Operator's house furnishings, air-conditioners, water coolers, and medicine cabinets.

(xii) Hydraulic jacks for counterweight support.

(xiii) Fourth coat of paint, and exotic paint systems.

(xiv) Brass pipe and high alloy steel conduits.

(xv) Floodlights and metallic vapor arc lights.

(xvi) Spare parts.

(xvii) Lubricants and lubrication equipment, and tools in excess of minimum requirements.

(d) *Determine Expectable Savings in Repair or Maintenance Costs.* (1) The provisions of any features that would reduce annual maintenance costs of the altered bridge, such as a wider navigation span eliminating the requirement for protection works, reducing the overall length of the bridge by fill in lieu of a trestle, or replacing two bridges with one bridge, will be included under this heading. The bridge owner should bear the increased annual maintenance cost that will accrue as a result of providing any increased loading and width desired by the bridge owner or attributable to the requirements of railway or highway traffic. Since 33 U.S.C. 516 does not mention bridge operating costs, any increase or decrease in such costs shall not be included in the cost of alteration to be apportioned. The bridge owner's obligation is computed by capitalizing the estimated annual savings at the same rate of interest used in paragraph (c)(1) of this section.

(2) Expectable savings in repair costs is that amount which the bridge owner will not have to pay to restore his bridge, which may be in a damaged condition or may be dilapidated, since the bridge is being altered or removed as a part of the contemplated navigation improvement.

(e) *Estimate Costs Attributable to Requirements of Railway and Highway Traffic.* Items desired by the bridge owner to meet the requirements of railway and highway traffic, but which have no counterpart in the old bridge, will be included under this heading. Items considered to fall within this category are listed below. This list does not contain all such items, but it serves as a guide in determining which items might fall within this category.

(1) Increased navigational clearances for the benefit of land traffic.

(2) Wider roadbed.

(3) Additional traffic lanes or track.

(4) Medians and wider traffic lanes.

(5) Increased train clearances and spacing of tracks.

(6) Larger cross and bridge ties.

(7) New and heavier rail and expansion joint devices.

(8) Additional signaling and communications systems.

(9) Additional right-of-way.

(f) *Estimate Expenditure for Increased Carrying Capacity.* The bridge owner is required to pay the difference in cost between a bridge meeting the navigation clearance requirements with the same live loading capacity as the old bridge and new or altered bridge having any increased live loading capacity desired. The cost of increased live loading capacity will be based on the estimated cost of the new or altered bridge with unit prices applied to the quantity of materials estimate for a hypothetical bridge with the same live loading as the old bridge, but with the increased clearances required by the navigation improvement. The live loading of the new or altered bridge should be compared with the live loading of the old bridge, based on normal working stresses without overstress, overload, or reduction of safety factor.

(g) *Determine Value of Expired Service Life of Old Bridge.* (1) Section 6 of the Act provides, among other things, that the bridge owner shall bear such proportion of the actual capital cost of the old bridge or of such part of the old bridge as may be altered or rebuilt, as the used service life of the whole of a part bears to the total estimated service life of the whole or such part. Guide service life figures have been obtained from retirement curves based on mortality statistics, which represent an attempt to consider economic causes of retirement in addition to physical causes.

(2) For railroad bridges service life, figures of 100 years for substructure, 70 years for superstructure, 37 years for treated timber, 35 years for automatic signals, 20 years for main rail, 30 years for siding rail, and 20 years for crossties and bridge ties are considered to be reasonable and will be used in computing the bridge owner's liability. The service life of the operator's house and machinery house, including machinery, is considered to expire with the removal of the superstructure. For timber structures which have been in existence for more than 50 percent of their estimated service life, the expired service life is held usually at 50 percent providing the structure has been adequately maintained and is in a good state of repair.

(3) The service life of highway bridges, except for certain long span bridges, is usually limited by obsolescence as well as structural deficiency and deterioration. Obsolescence may be due to insufficient capacity for heavier loads and greater volume of traffic than the bridge was originally designed for, safety

requirements, and location. Superstructures and pile bents are considered to have a service life of 50 years. Masonry substructure which could be reused in the renovation of a bridge is considered to have a service life of 100 years.

(4) The foregoing service life figures are not to be used arbitrarily, but as a basis for a fair judgment of the service life considering all other factors that obtain in any particular case.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

APPENDIX A

SECTION 6, PUBLIC LAW 647, AS AMENDED (33 USC 516)

At the time the Secretary of Transportation shall authorize the bridge owner to proceed with the project, as provided in Section 515 of this title, and after an opportunity to the bridge owner to be heard thereon, the Secretary shall determine and issue an order specifying the proportionate shares of the total cost of the project to be borne by the United States and by the bridge owner. Such apportionment shall be made on the following basis: The bridge owner shall bear such part of the cost as is attributable to the direct and special benefits which will accrue to the bridge owner as a result of the alteration, including the expectable savings in repair or maintenance costs; and that part of the cost attributable to the requirements of traffic by railroad or highway, or both, including any expenditure for increased carrying capacity of the bridge, and including such proportion of the actual capital cost of the old bridge or of such part of the old bridge as may be altered or changed or rebuilt, as the used service life of the whole or a part, as the case may be, bears to the total estimated service life of the whole or such part. Provided, that in the event the alteration or relocation of any bridge may be desirable for the reason that the bridge unreasonably obstructs navigation, but also for some other reason, the Secretary may require equitable contribution from any interested person, firm, association, corporation, municipality, county, or State desiring such alteration or relocation for such other reason, as a condition precedent to the making of an order for such alteration or relocation. The United States shall bear the balance of the cost, including that part attributable to the necessities of navigation; and provided further, that where the bridge owner proceeds with the alteration on a successive partial bid basis the Secretary is authorized to issue an order of apportionment of cost for the entire alteration based on the accepted bid for the first part of the alteration and an estimate of cost for the remainder of the work. The Secretary is authorized to revise the order of apportionment of cost, to the extent he deems reasonable and proper to meet any changed conditions. (June 21, 1940, ch. 409, Section 6, 54 Stat. 499; July 16, 1952, ch. 889, Section 2, 66 Stat. 733; Aug. 14, 1958, Pub. L. 85-640, Section 1(c), 72 Stat. 595.)

APPENDIX B

HYPOTHETICAL EXAMPLE OF COST APPORTIONMENT

Following is the interpretation of the principles as applied to the alteration of a hypothetical highway-railroad bridge across Blank River between City A and City B.

REFERENCE TABLE A

1. Total estimated cost of alteration project $10,917,300

The existing double deck swing span will be replaced with a new double deck lift span affording a horizontal navigation opening of 250 feet clear width between piers normal to the navigation channel and a vertical clearance of 125 feet above mean high water in the raised position.

2. Salvage $77,300

This value is deducted from the original cost to determine the actual capital cost (See TABLE VII). It is also deducted from the Total Estimated Cost of Alteration Project to determine the cost to be apportioned.

REFERENCE TABLE I

3. Direct and special benefits:
   a. Removing old bridge (owner's share) $160,538

REFERENCE TABLE II

   b. Fixed charges (owner's share) $297,666
   c. Contribution (owner's share) $432,000

Testimony at the hearing developed that the bridge is unreasonably obstructive to navigation, but also, the bridge owner desires the alteration because the roadway width is considered inadequate to carry future highway traffic. Since the bridge will have to be replaced in any event, it is considered that as an equitable contribution the bridge owner should contribute an amount equal to one half of the expectable savings in the replacement cost. Other methods for determining the bridge owner's contribution are acceptable, depending on the circumstances.

REFERENCE TABLE III

   d. Betterments $18,360

REFERENCE TABLE IV

4. Expectable savings in repair or maintenance costs $16,288

The new bridge is designed for increased loading and width greater than that of the old bridge. Therefore, the estimated annual maintenance cost was based on a hypothetical bridge designed, but not constructed, for the same loading and width as the old bridge but with increased clearances as required to meet the needs of waterborne navigation, and not on the estimated annual maintenance cost of the new bridge.

REFERENCE TABLE V

5. Costs attributable to requirements of railway and highway traffic $1,634,000

The old bridge carries a highway deck on the upper level consisting of a roadway 18 feet wide (no sidewalks) and a railway deck on the lower level with 110-lb. rails. The new bridge will carry a highway deck on the upper level consisting on one 28 foot roadway and two 5-foot sidewalks, and the railway deck will have new 130-lb. rails. In addition, the railway deck will be paved to carry highway traffic. Thus, the bridge may be kept in an intermediate raised position when not being used by railway traffic to pass small-boat traffic without delaying highway traffic. The bridge owner also desires to provide additional highway approaches and right-of-way to connect a nearby secondary road with the new bridge.

REFERENCE TABLE VI

6. Expenditure for increased carrying capacity $2,330,000

The highway deck of the old bridge was designed for a live loading equivalent to AASHO H15-44 and the railway deck for live loading of Cooper E 45. The highway deck of the new bridge will be designed for live loading AASHO HS20-44, and the railway deck will be designed for live loading of Cooper E 60. Accordingly, the bridge owner will pay the additional cost for the increased carrying capacity of the new bridge.

REFERENCE TABLE VII

7. Expired service life of old bridge $511,300

The substructure of the old bridge was completed in 1908 and the superstructure completed in 1909. It is assumed that the bridge will be replaced in 1970.

TABLES

A. Summary of estimated project costs.
B. Tabulation of proportionate shares of cost to be borne by the United States and the bridge owner.
I. Bridge owner's share of removing old bridge.
II. Fixed charges to be paid by bridge owner.
III. Betterments.
IV. Expectable savings in repair or maintenance costs.
V. Costs attributable to requirements of railway and highway traffic.
VI. Expenditure for increased carrying capacity.
VII. Value of expired service life of old bridge.

TABLE A.—*Summary of estimated project costs*

Number and item	Cost	Fixed charges	Total
1. New bridge	$8,104,052	$570,000	$8,674,052
2. Removal of old bridge	521,908	500	522,408
3. Approaches	50,000	5,000	55,000
4. Additional highway approaches	1,530,000	15,000	1,545,000
5. Railroad force account work	41,800	3,500	45,300
6. Additional signaling	27,000	2,400	29,400
7. Right-of-way	13,240	900	14,140
8. Additional right-of-way	30,900	1,100	32,000
Total	10,318,900	598,400	10,917,300
Total estimated cost of project			10,917,300
Less salvage			77,300
Cost of alteration to be apportioned			10,840,000
Less right-of-way (items 7 and 8)			46,140
Cost of construction			10,793,860

TABLE B.—*Tabulation of Proportionate Shares of Costs to be Borne by the United States and the Bridge Owner*

Total estimated cost of project (excluding contingencies) (table A)	$10,917,300
Less salvage	77,300
Cost of alteration to be apportioned	10,840,000
Share to be borne by the bridge owner:	
Direct and special benefits:	
Removing old bridge	160,538
Fixed charges	297,666
Contribution	432,000
Betterments	18,360
Expectable savings in repair or maintenance costs	16,288
Costs attributable to requirements of railway and highway traffic	1,634,000
Expenditure for increased carrying capacity	2,330,000
Expired service life of old bridge	511,300
Total	5,400,152
Share to be borne by the United States	5,439,848
Contingencies 15 pct	815,977
Total	6,255,825
Share to be borne by the bridge owner	5,400,152
Contingencies 15 pct	810,023
Total	6,210,175

NOTE.—Bridge owner to bear $\frac{5,400,152}{10,840,000} = 49.8$ pct. of the cost.

TABLE I.—*Bridge owner's share of removing old bridge*

Item to be removed	Age at time of removal (years)	Owner's share (percent)	Removal cost	Owner's share of removal	Years remaining	Present worth factor	Owner's present liability
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Substructure	62	62	$241,935	$150,000	38	0.1639	$24,585
Protection works	37	50	60,000	30,000	18	.4245	12,735
Superstructure	61	87	206,896	180,000	9	.6516	117,288
Signaling	61	100	440	440	0	1.0	440
Ties and timber	20	50	6,000	3,000	10	.6213	1,864
Rail and accessories:							
Rail, 110 lb	33	100	1,000	1,000	0	1.0	1,000
Do	13	65	5,637	3,664	7	.7166	2,626
Total			521,908	368,104			160,538

NOTE.—Present worth factor based on 4⅞ pct. fiscal year 1970, as established by Water Resources Council. The actual factor to be used shall be that current at the time of alteration.

TABLE II

FIXED CHARGES TO BE PAID BY BRIDGE OWNER

Cost of construction	$10,593,860
Less fixed charges	598,400
Total	10,195,460
Owner's share less fixed charges:	
Removing old bridge	160,538
Contribution	432,000
Betterments	18,360
Expectable savings in repair or maintenance costs	16,288
Costs attributable to requirements of railway and highway traffic (less right-of-way)	1,603,100
Expenditure for increased carrying capacity	2,330,000
Expired service life of old bridge	511,300
Total	5,071,586
Fixed charges by owner	297,666

$$\frac{5,071,586}{10,195,460} \times 598,400 = 297,666$$

TABLE III

BETTERMENTS

New furniture and water cooler in control house	$1,050
Increased cost of elevators over stairways	13,360
Increased cost of galvanized steel grating walkways over timber walkways	3,950
Total	18,360

TABLE IV

EXPECTABLE SAVINGS IN REPAIR OR MAINTENANCE COSTS

Actual average annual maintenance cost for period 1953 to 1968	$16,875
Estimated annual maintenance costs as computed for the replacement bridge	16,000
Total decrease in annual maintenance cost	875
Annual savings capitalized (50 years) at 4⅞ percent equal 875 divided by 0.05372	16,288

Present Worth Factor based on 4⅞ percent, F.Y. 1970, as established by Water Resources Council. The actual factor to be used shall be that current at the time of the study.

TABLE V

COSTS ATTRIBUTABLE TO REQUIREMENTS OF RAILWAY AND HIGHWAY TRAFFIC

Heavier running rail (130 lb in lieu of 110 lb)	$11,200
Paving, lower deck	34,900
Additional signaling	27,000
Additional highway approaches	1,530,000
Subtotal	1,603,100
Additional right-of-way	30,900
Total	1,634,000

TABLE VI

EXPENDITURE FOR INCREASED CARRYING CAPACITY

Cost of new bridge designed for Cooper E 60 and AASHO HS20-44 loading [1]	$8,609,592
Cost of replacement-in-kind (hypothetical) bridge designed for Cooper E 45 and AASHO H15-44 loading [1]	6,279,592
Total	2,330,000

[1] Excludes all items in Table III and first two items in Table V.

TABLE VII.—*Value of expired service life of old bridge—Replacement year, 1970*

Item to be removed	Year built	Original cost	Salvage value	Actual capital cost (2)−(3)	Estimated service life	Expired service life: Years 1970−(1)	Expired service life: Percent of total (6)÷(5)	Value of expired service life (4)×(7)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Substructure:								
Pivot pier	1908	$34,500	0	$34,500	100	62	62	$21,390
Right end pier	1908	18,580	0	18,580	100	62	62	11,520
Left end pier	1908	21,410	0	21,410	100	62	62	13,274
Right abutment	1908	8,600	0	8,600	100	62	62	5,332
Left abutment	1908	11,410	0	11,410	100	62	62	7,074
Protection works:								
Pivot pier	1909	5,800	0	5,800	37	61	[1] 50	2,900
Right end pier	1942	3,200	0	3,200	37	28	[1] 50	1,600
Superstructure:								
Swing span	1909	168,920	$19,400	149,520	70	61	87	130,082
Electrification	1957	5,000	500	4,500	22	13	59	2,655
Left approach spans	1909	142,017	16,300	125,717	70	61	87	109,374
Right approach spans	1909	156,692	19,300	137,392	70	61	87	119,531
Signaling	1909	15,000	1,000	14,000	35	61	100	14,000
Ties and timber	1909	8,120	0	8,120	20	61	[1] 50	4,060
Rail and accessories:								
Rail, 110 Lb	1937	6,600	2,200	4,400	20	33	100	4,400
Do	1957	43,679	18,600	25,079	20	13	65	16,301
Roadway Approaches [2]:								
Pavement	1908	17,841	0	17,841	20	62	[1] 50	8,921
New Lane	1961	43,609	0	43,609	20	9	45	19,624
Subtotal			77,300	633,678				492,038
Engineering		24,695	0	24,695			[3] 78	19,262
Total			77,300					511,300

[1] Held at 50% if maintained in good condition.
[2] Roadway approaches to be abandoned.
[3] Weighted average $100 \times \frac{492,038}{633,678} = 78\%$.

EXPLANATION OF COLUMNS FOR TABLE VII

Column (1): Year Built is the original date that an item to be removed became a part of the bridge or the last known date that it was replaced. The items to be removed should be broken down to show as much detail as possible, particularly where there is a variation in the year built and/or the estimated service life.

Column (2): Original cost shall be supported by records furnished by bridge owner. Engineering cost should be estimated if unknown.

Column (3): Salvage—refer to para. 7b.

Column (4): Actual capital cost is the original cost of the item to be removed minus the salvage value.

Column (5): Estimated Service Life—refer to para. 7g.

Column (6) & (7): Expired Service Life—refer to para. 7g.

Column (8): Value of expired service life is the actual capital cost of the item to be removed multiplied by the percent of expired service life.

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WEDNESDAY, FEBRUARY 11, 1976

PART III:

CONSUMER PRODUCT SAFETY COMMISSION

■

Architectural Glazing Materials

Proposed Safety Standard

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1201]

ARCHITECTURAL GLAZING MATERIALS

Proposed Safety Standard

The purpose of this document is to propose, pursuant to section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f) (hereinafter referred to as CPSA or act)), a consumer product safety standard applicable to glazing materials used in certain architectural products. Written comment on the proposal is invited until March 12, 1976, and interested persons will have an opportunity to make an oral presentation of views on March 8, 1976, as described at the end of this notice.

In the proceedings leading to this proposal, the subject materials were referred to as "architectural glass." Commencing with this proposal, the name has been changed to "architectural glazing materials." This is consistent with the intent of the notice of proceeding and with the scope and definitions contained in the proposed standard. It recognizes that the materials covered by the standard can consist in whole or part of materials other than glass.

The proposed standard, 16 CFR Part 1201 below, prescribes safety requirements for the manufacture and construction of glazing materials for use in storm doors or combination doors, entrance/exit doors (both exterior and interior), shower and bathtub doors and enclosures, fixed glazed panels, and sliding or patio-type doors; the proposed standard also requires that the products enumerated which incorporate glazing materials must be constructed with glazing materials that meet the requirements of the standard. The proposed standard is designed for residential and certain nonresidential applications. It does not cover glazing materials used in the manufacture and construction of other architectural products such as (but not necessarily restricted to) prime windows, storm windows and certain glazed panels. After the effective date of the standard no person shall manufacture for sale, offer for sale, distribute in commerce or import into the United States glazing material subject to the standard which does not comply with the requirements of the standard. For purposes of this standard fabricators (persons who assemble or otherwise incorporate glazing materials into the architectural products identified) are considered to be manufacturers as the term manufacturers is defined in § 1201.4(b) (13) and (14) of the standard. Distributors and retailers of glazing materials (including persons cutting glazing materials to size) are also covered by the standard. The proposed effective date for the standard is 180 days after the issuance of a final standard in the FEDERAL REGISTER.

BACKGROUND

On June 20, 1973, the Consumer Safety Glazing Committee (CSGC), petitioned the Commission under section 10 of the act (15 U.S.C. 2059), to commence a proceeding for the development of a consumer product safety standard to address the hazards associated with architectural glass. CSGC is an ad-hoc group of industry, labor and general interest groups initially formed in 1968 for the purpose of drafting and lobbying for passage of a Model Safety Glazing bill in the various states.

On November 1, 1973, the Commission, on the basis of information submitted by the CSGC, consideration of injury data reported by the National Electronic Injury Surveillance System (NEISS), and review of data and information gathered by the National Commission on Product Safety, granted CSGC's petition.

Copies of all the documents, data, information relative to the CSGC petition, the Commission's decisions thereon and other documents mentioned in this notice may be seen in the Office of the Secretary, 10th Floor, 1750 K Street NW., Washington, D.C. 20207.

The Commission commenced a proceeding to develop a consumer product safety standard applicable to architectural glass under section 7 of the act by publishing a notice in the FEDERAL REGISTER of May 28, 1974 (39 FR 18502). In the notice of proceeding, the Commission preliminarily determined (1) that hazards associated with architectural glass present unreasonable risks of injury or death and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks of injury. Interested persons were invited to submit offers to develop a recommended safety standard, or to submit an existing standard as a proposed consumer product safety standard.

In the FEDERAL REGISTER of August 21, 1974 (39 FR 30191), the Commission announced its acceptance of a CSGC offer to develop a recommended standard. On November 1, 1974 (39 FR 38715), the Commission for good cause shown extended the time for developing the standard from October 25, 1974, to January 24, 1975, as requested by CSGC. The recommended standard was submitted by CSGC on January 24, 1975. Subsequently, on March 5, 1975 (40 FR 10227), the Commission extended to March 21, 1975, later corrected to March 25, 1975 (40 FR 13334), the period in which it must publish a proposed standard or withdraw the notice of proceeding. On March 26, 1975 (40 FR 13334), the Commission further extended this period to May 24, 1975.

On February 13 and February 18, 1975, the Commission staff completed briefing packages which evaluated the recommended standard submitted by CSGC. On April 9, 1975 Commission staff discussed the recommended standard at a public briefing before the Commission. CSGC submitted additional information in response to Commission requests on May 5, May 15, and May 29, 1975.

On the basis of the above information, the Commission determined that Commission staff should (1) convert CSGC's recommended standard to a performance standard to the degree practicable, (2) examine the recommended environmental tests to determine their relationship to safety and consider a single environmental test or the deletion of all such testing, and (3) make procedural changes as necessary. In view of the foregoing, the Commission, in the FEDERAL REGISTER of July 23, 1975 (40 FR 30862), extended until October 29, 1975 the time in which it must either publish a proposed standard or withdraw the notice of proceeding. This was further extended until January 12, 1975 by notices in the FEDERAL REGISTER of November 6, 1975 (40 FR 51685) and December 2, 1975 (40 FR 55897).

In the FEDERAL REGISTER notice which commenced the proceeding (39 FR 18502, May 28, 1974) the Commission identified the nature of the risk of injury associated with architectural glass (architectural glazing materials) as the following:

1. Lacerations, contusions, abrasions, and other injury or death resulting from walking or running into glass doors or panels believed to be open or mistaken as a means of egress, or pushing against glass panels in an attempt to open a door.

2. Lacerations, contusions, abrasions, and other injury or death resulting from accidentally falling into or through glass doors, adjacent panels and windows, bathtub enclosures, and shower stalls.

3. Lacerations, contusions, abrasions, and other injury or death resulting from opening, closing, washing or otherwise handling windows; and

4. Lacerations, contusions, abrasions, and other injury or death resulting from the act of installing, replacing, storing or otherwise manipulating glass panels in doors, flat fixed panels or sidelites, windows, bathtub enclosures and shower stalls, or from broken glass in doors, flat fixed panels or sidelites, windows, bathtub enclosures and shower stalls.

The basic problem involves the use of panels of annealed glass in certain locations that create an unreasonable risk of lacerations, contusions, or abrasions. The inherent properties of most commonly used thicknesses of annealed glass that contribute to unreasonable risks of injury are the low impact strength of the material and the presence upon breakage of sharp points and edges which cause the lacerations, contusions, or abrasions.

CSGC's recommended standard directly addresses the first two risks of injury identified above. By attempting to reduce the incidence of hazardous breakage, the standard also addresses the fourth risk of injury.

Neither CSGC's recommended standard, nor the proposed standard contain provisions for glazing materials used in windows and storm windows. (The third risk of injury listed above.) The preliminary determination in the notice of proceeding was based solely upon the number, severity, and type of injuries associated with this use of glazing materials. However, the Commission now finds that there is insufficient evidence to show whether the effect on cost, utility, and

availability of the products would be outweighed by the benefits that any standard that is feasible at this time may confer. Therefore, the Commission believes that a determination of unreasonable risk of injury is unsupportable at this time. This conclusion is based upon the following:

1. If the requirements of this proposed standard were applied to glazing materials for windows and storm windows, the cost of compliance with such requirements could be prohibitive (see draft economic impact analysis, discussed below, available for inspection at the Office of the Secretary).

2. According to tests conducted at the National Bureau of Standards for the Commission, requirements involving lower costs (e.g. the use of thicker annealed glass) if applied to glazing materials used in windows and storm windows could lead to fewer injuries, but might also lead to more severe injuries. Therefore, it is not possible to determine whether there would be a reduction of the risk of injury from proposing such requirements.

The Commission will continue, to encourage further efforts looking toward the reduction of injuries associated with glazing materials used in windows. The Commission will keep under continuing review all information available concerning injuries associated with windows and the technological practicability of developing a standard and may, in the future initiate a standard development proceeding relative to glazing material in windows.

As indicated above, CSGC's recommended standard has been the subject of engineering analysis and laboratory test work by CPSC to determine its adequacy in eliminating or reducing unreasonable risk of injury. This review produced a number of technical concerns as to the standard's adequacy and a general concern regarding the standard's being quality-control oriented rather than performance oriented. Section 7(a) of the act states that the requirements of a consumer product safety standard shall, wherever feasible, be expressed in terms of performance requirements. The changes made by the Commission in CSGC's recommended standard are designed to remedy these inadequacies to the degree practicable to reduce the unreasonable risk of injury associated with glazing materials.

THE PROPOSED STANDARD

The proposed standard set forth below is designed to reduce or eliminate the unreasonable risk of injury associated with architectural glazing materials by ensuring that the glazing materials used in certain architectural products either do not break when impacted with a certain energy or break with characteristics that are less likely to cause an unreasonable risk of injury. The proposed standard is basically the standard which was recommended by CSGC with certain revisions, additions, and deletions made by the Commission's staff in response to the direction by the Commission discussed above. The major provisions and rationale for the proposed Part 1201, below, are:

1. *Impact Tests.* Affected products are defined and divided into two categories according to the expectation of high energy or low energy accident modes, as well as the opportunity for full body involvement (§ 1201.2(a) (3) and (4) below). Glazing material for products used in high risk areas or products subject to high impact energies (e.g., patio doors, bathtub and shower enclosures) are tested at 400 foot pounds, and glazing materials for other products (e.g., storm doors, entrance and exit doors) are tested at 150 food pounds. The impact requirements are designed to insure that glazing materials for each level of application will not break or will break with characteristics less likely to cause an unreasonable risk of injury. The Commission proposal would require a single impact at the specified energy level for each category. It differs from the CSGC recommended standard which would require glazing material for all products to be subjected to the same series of impact tests, regardless of the intended use of the product.

2. *Breakage Characteristics.* The proposed standard provides that glazing materials, when impacted as required by the standard, either do not break or break with one of a series of alternative acceptable breakage characteristics (§ 1201.4(e)(1) below). There are: (1) A requirement that the ten largest broken pieces not exceed a specified weight, (2) a requirement that a ball weighing 4 pounds and having a diameter of 3 inches shall not fall through the hole remaining in the glazing material after impact when the ball is placed on the material with the material held horizontally, or (3) a requirement that specimens have a modulus of elasticity (stiffness) less than 750,000 psi (5,170 megapascal) and a Rockwell hardness (M or R scale) less than 140. The first characteristic is the CSGC recommendation. The second characteristic differs from the CSGC recommendation which evaluates the hole while the glazing material is held vertically. The Commission believes the proposal which makes use of a 4 pound ball more adequately represents an evaluation of the likelihood of penetration and entrapment of a body part, because it will not allow a material to pass the test if a small scrap of remaining material is suspended in the opening or the hole closes after impact.

The third breakage criterion is also the criterion recommended by CSGC. The Commission recognizes that several further revisions of the stiffness/hardness criterion have been under consideration in the private sector, and the Commission solicits comments on what revisions might be included in the final standards.

This third breakage criterion is designed primarily to evaluate plastic glazing materials. The Commission understands that the requirement passes most plastics by virtue of their being plastics rather than establishing requirements based upon the hazard patterns associated with architectural glazing materials. Because of this, the Commission considered an internally developed requirement that plastic pieces no longer than two inches remaining in the frame be no sharper than 60 degrees. The Commission believes that such an included angle requirement might provide a criterion which differentiates materials that break into pointed or dagger-like pieces, which it believes might present an unreasonable risk of injury, from those pieces which break into more rounded patterns.

However, upon reviewing this new criterion further, the Commission decided to:

a. Propose those requirements for stiffness and hardness which were recommended by CSGC.

b. Determine if there is a correlation between any risk of injury associated with plastic glazing material and the degree of sharpness of the piece remaining in the frame after impact.

c. Determine whether an included angle criterion can be generalized to other glazing materials.

If these additional efforts lead to a criterion which is considered by the Commission to be acceptable either for plastics, or for other glazing materials, the new criterion will be proposed for comment and issuance in place of currently proposed criteria for stiffness and hardness (§ 1201.4(e)(1)(C)). If an included angle criterion is to be part of this standard, it will be proposed for comment prior to issuance of this standard in final form. In the event that an included angle criterion is not proposed prior to issuance of this standard, any further consideration would be part of an amendment process as described in section 9(e) of CPSA.

Because the included angle criterion is still under consideration, the Commission is hereby soliciting comment on the advantages and disadvantages of the criterion, including submission of any available quantitive technical data.

3. *Environmental Durability Tests.* The proposed standard requires that accelerated or simulated weathering tests be conducted periodically to insure maintenance of environmental durability of the glazing materials. These accelerated tests are essentially those recommended by CSGC with minor revisions.

4. *Fire Doors.* The proposed standard would require glazing used in fire doors to comply with this Part 1201. This changes the CSGC recommendation that fire doors be exempted from coverage. CSGC made their recommendation because currently marketed glazing materials meeting fire codes often do not meet impact test criteria. However, glazed products which must meet fire codes are often used in high risk locations, e.g. school corridors and emergency exits. The Commission has in-depth investigation reports which indicate that serious injuries have occurred in such

locations associated with glazing materials meeting the fire codes. The Commission believes that glazing materials can be developed which will meet the requirements both of this standard and of the various fire codes.

5. *Procedural Changes to the CSGC Recommended Standard.* The proposed standard contains several minor procedural differences from those contained in the CSGC recommended standard. These have to do with construction of the test frame, handling of the impactor, provision for use of either a carbon arc or xenon arc lamp in accelerated environmental durability tests, changes in the relative humidity for the accelerated test for plastics for indoor use, and limiting of the applicability of an infrared spectrograph as a substitute for accelerated testing of plastics. The Commission staff developed these modifications during their evaluation of the recommended standard.

Rationales for the requirements of the standard including modification made by the Commission are available for review in the Office of the Secretary.

OTHER CONSIDERATIONS

Economic analysis. In its consideration of the proposed standard the Commission has taken into account the need of the public for the products and the probable effects of the standard upon the utility, cost, and availability of the consumer products to meet such need. These were among the factors the Commission weighed in developing an estimation of the economic impact of such a standard on consumers, on affected manufacturers of glazing materials used in architectural products subject to the standard and those other persons involved in the various marketing levels of the assembly, distribution, and sale process, and on other areas of the general economy. A draft economic analysis is available for inspection at the Office of the Secretary.

Environmental impact. After due deliberation, the Commission has determined that there are no potentially significant adverse environmental effects associated with the proposed standard. The factors considered in making this determination are contained in an environmental assessment that may be seen in the Office of the Secretary.

Findings. Prior to promulgating a consumer product safety rule, the Commission shall consider, and shall make appropriate findings for inclusion in such a rule: (1) the degree and nature of the risk of injury the rule is designed to eliminate or reduce; (2) the approximate number of consumer products, or types or classes thereof, subject to such rule; (3) the need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need; (4) any means of achieving the effect of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety; (5) that the rule is reasonably necessary to eliminate or reduce an unreasonable risk associated with such product; and (6) that the promulgation of the rule is in the public interest (15 U.S.C. 2058(c)).

Stockpiling. Section 9(d)(2) of the act (15 U.S.C. 2058(d)(2)) authorizes the Commission to prohibit manufacturers from stockpiling a product subject to a consumer product safety standard between issuance of the final standard and its effective date. Stockpiling is defined as manufacturing or importing of a product during this time period at a rate significantly greater than the rate at which the product was produced or imported during a base period (set by rule) ending prior to the promulgation date.

A proposed antistockpiling rule (§ 1201.6 below) is included in the proposed standard to insure that the purposes of the standard, if promulgated, will not be circumvented. Section 1201.6 specifies that manufacturers, fabricators, and importers of certain architectural products who incorporate glazing material into those products shall not incorporate glazing materials which do not comply with the requirements of a final glazing material standard, into those products between the date the final standard is issued and the date the standard becomes effective, at a rate which is greater than the rate of production or importation during the base period plus ten percent. The base period is, at the option of the manufacturer or importer concerned, any period of 180 consecutive days beginning on or after January 1, 1974, and ending on or before July 1, 1975.

The Commission believes that permission of an 18 month period from which the 6-months base period may be selected is justified in this standard because of the large number of different products covered, the variety of seasonal production patterns, and the cyclical economic factors that have influenced production for the building industry in recent years. The allowance of an increase over the base period not to exceed 10% is consistent with normal growth rates within the architectural products industry, and therefore should not represent production or incorporation at a significantly greater rate than the base period.

The stockpiling provision in the proposed Standard is authorized by section 9(d)(2) of the Consumer Product Safety Act (15 U.S.C. 2058(d)(2)). Therefore, any amendment to the stockpiling provision would be governed by the Administrative Procedure Act (5 U.S.C. 553) rather than section 9(e) of the Consumer Product Safety Act.

Preemption. Section 26(a) of the act (15 U.S.C. 0275(a)) provides that whenever a consumer product safety standard issued under the act is in effect and applies to a risk of injury associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such products which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the standard promulgated under the act. This means, in effect, that most State standards in existence will be completely or substantially preempted by the CPSC standard upon its effective date. Such State standards that address the same risk of injury dealt with by the Federal Standard must be identical to the Federal Standard to be enforceable. The Commission encourages all States to adopt this Federal Standard, when issued.

However, in conjunction with the above, section 26(c) of the act (15 U.S.C. 2075(c)) provides that upon application of a State or political subdivision thereof, the Commission may by rule, after notice and opportunity for oral presentation of views, exempt from the preemption provisions of section 26(a) (under such conditions as the Commission may impose) a proposed safety standard or regulation described in the application for exemption. In such cases, the applicant must establish that the proposed standard or regulation (1) imposes a higher level of performance than the standard promulgated under the act, (2) is required by compelling local conditions, and (3) does not unduly burden interstate commerce.

Certification and identification marking. Specific certification and identification marking requirements are not included in the standard, but will be issued in a separate rule developed under the authority of section 14 of the Consumer Product Safety Act. The rule on certification and identification marking will be proposed for public comment in accordance with the requirements of 5 U.S.C. 553 (Administrative Procedure Act), and the rule will be issued prior to the effective date of the standard. Issuance and any subsequent amendment of such a rule will, therefore, be governed by the Administrative Procedure Act (5 U.S.C. 553) rather than section 7 of the Consumer Product Safety Act.

Manufacturers and private labelers are required to comply with the provisions of section 14(a)(1) of the Act (15 U.S.C. 2063(a)(1)) even in the absence of a regulation.

Reference standards. Certain voluntary standards have been referenced in this Part 1201. The referenecs pertain to the voluntary standards issued on the cited dates, and not to any prior or subsequent revisions. Revisions to those reference standards would not be incorporated into this Part 1201 unless Part 1201 itself is amended under section 9(e) of the CPSA to incorporate these revisions.

Metric conversions. This standard was developed using the English system of units. Metric equivalents have been included in the text of the standard for

convenience. Metric equivalents have not been added to the figures. The conversion factors to be used there are:

1 inch = 2.54 centimeters
1 pound = .4536 kilograms

CONCLUSION AND PROPOSAL

Having considered CSGC's recommended standard for glazing materials used in certain architectural products, the supportive material submitted therewith, and other relevant information, the Commission concludes that the standard, changed as described above and with additional editorial changes, should be proposed as a consumer product safety standard as set forth below.

Therefore, pursuant to provisions of the Consumer Product Safety Act (Pub. L. 92-573, sec. 7(f), 86 Stat. 1215; 15 U.S.C. 2056(f)), the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B a new Part 1201 as follows:

PART 1201—A SAFETY STANDARD FOR ARCHITECTURAL GLASS

Sec.
1201.1 Scope and application.
1201.2 Definitions.
1201.3 General requirements.
1201.4 Test procedures.
1201.5 Certification and labeling requirements.
1201.6 Prohibited stockpiling.

AUTHORITY: Secs. 2, 3, 7, 9, 14, Pub. L. 92-573, 86 Stat. 1212-17; 15 U.S.C. 2056, 2058.

§ 1201.1 Scope and application.

(a) *Scope.* This Part 1201, a consumer product safety standard, prescribes the safety requirements for glazing materials used in any of the following architectural products:

(1) Storm doors or combination doors.
(2) Doors.
(3) Bathtub doors and enclosures.
(4) Shower doors and enclosures.
(5) Glazed panels.
(6) Sliding glass doors (patio-type).

It also requires that these products which incorporate glazing materials be constructed with glazing materials that meet the requirements of this part. The safety requirements are designed to reduce or eliminate unreasonable risk of death or serious injury to consumers when glazing material is broken by human contact.

(b) *Application.* This Part 1201 shall apply to glazing materials used in the architectural products listed in paragraph (a) of this section and to those products if they are made with glazing material when such glazing material or products are manufactured for sale, offered for sale, distributed in commerce, or imported into the United States after the effective date of the standard and are sold to or for the personal use consumption of enjoyment of consumers in or around a permanent or temporary household or residence or in recreational, school, public, or other buildings or parts thereof. For purposes of this standard, fabricators and persons who assemble glazed panels are considered to be manufacturers of the architectural products listed in § 1201.1(a) of this part.

(c) *Effective date.* The effective date shall be 180 days after publication of this Part 1201 in the FEDERAL REGISTER.

§ 1201.2 Definitions.

(a) As used in this Part 1201:

(1) "Annealed glass" means glass that has been subjected to a slow, controlled cooling process during manufacture to control residual stresses so that it can be cut or subjected to other fabrication. Regular polished plate, float, sheet, window, rolled, and patterned surface glasses are examples of annealed glass.

(2) "Bathtub doors and enclosures" means assemblies of panels and/or doors that are installed on the lip of or immediately surrounding a bathtub.

(3) "Category I products" means any of the following architectural products:

(i) Storm doors or combination doors that contain no single piece of glazing material greater than 6 square feet (0.55 or more square meters) in surface area of one side of the piece of glazing material.

(ii) Doors that contain no single piece of glazing material greater than 6 square feet (0.55 or more square meters) in surface area of one side of the piece of glazing material.

(iii) Glazed panels that contain no single piece of glazing material greater than 6 square feet (0.55 or more square meters) in surface area of one side of the piece of glazing material.

(4) "Category II products" means any of the following architectural products:

(i) Shower doors and enclosures.
(ii) Bathtub doors and enclosures.
(iii) Sliding glass doors (patio type).
(iv) Storm doors or combination doors that contain any piece of glazing material of 6 or more square feet (0.55 or more square meters) in surface area of one side of the piece of glazing material.
(v) Doors that contain any piece of glazing material of 6 or more square feet (0.55 or more square meters) in surface area of one side of the piece of glazing material.
(vi) Glazed panels that contain any piece of glazing material of 6 or more square feet (0.55 or more square meters) in surface area of one side of the piece of glazing material.

(5) "Distributor" means a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, including persons cutting glazing material to size, except that such term does not include a manufacturer or retailer of such product.

(6) "Distribution in commerce" means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(7) "Door" means an assembly that is installed in an interior or exterior wall; that is movable in a sliding, pivoting, hinged, or revolving direction; and that is used by consumers to produce or close off an opening for use as a means of human ingress or egress.

(8) "Fabricator" means any person who assembles or otherwise incorporates glazing materials into an architectural product listed in § 1201.1(a).

(9) "Glass" means a hard, brittle, amorphous substance produced by fusion, usually consisting of mutually dissolved silica and silicates that also contains soda and lime, which may be transparent, translucent, or opaque.

(10) "Glazed panel" means a glazing material used in any building listed in § 1201.1(b) that is:

(i) In residential buildings, the first piece of operable or nonoperable glazing material adjacent to a door whose nearest vertical edge is within 12 inches (31 centimeters) of the door; or

(ii) In all buildings other than residential buildings, any piece of operable or nonoperable glazing material adjacent to a door whose nearest vertical edge is within 48 inches (1.2 meters) of the door; or

(iii) In all buildings other than residential buildings, all panels not described in paragraph (a)(10)(ii) of this section where:

(A) The lowest edge of the glazing material is less than 18 inches (46 centimeters) above any floor or any walking surface; and

(B) The exposed glazing material in such panel exceeds 6 square feet (0.55 square meters); and

(C) There is a walking surface on both sides, either of which is within 36 inches (92 centimeters) of such panel and the horizontal planes of such walking surfaces are within 12 inches (31 centimeters) of each other.

(iv) Not included in the definition of glazed panels are:

(A) Panels where an intervening interior permanent wall is between the door and the panel(s) described in paragraph (a)(10)(ii) of this section;

(B) Panels described in paragraph (a)(10)(iii) of this section that have a horizontal member such as a piece of the framing or permanent chair rail no less than 1½ inches (4 centimeters) in width, which is located between 18 and 36 inches (46 and 91 centimeters) above the walking surface.

(11) "Glazing material" means glass, plastics, organic-coated glass, tempered glass, laminated glass, wired glass, or combinations thereof where these are used:

(i) In openings through the architectural products listed in § 1201.1(a), or

(ii) As the architectural products themselves, e.g. glazed panels or unframed doors.

(12) "Laminated glass" means glazing material composed of two or more pieces of glass bonded to an intervening layer or layers of resilient plastic material.

(13) "Manufacture" means to manufacture, produce or assemble.

(14) "Manufacturer" means any person who manufactures or imports a glazing material or architectural product listed in § 1201.1(a) that incorporates glazing material.

(15) "Mirror" means a treated, polished or smooth glazing material that forms images by the reflection of light.

(16) "Mobile home" means a structure transportable in one or more sections, which is eight body feet (2.4 body meters) or more in width and is thirty-two body feet (9.7 body meters) or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

(17) Other buildings or parts thereof" means buildings or parts thereof (other than residential, school, public, or recreational buildings) in which all or part of the building is open to the public with or without specific invitation. Included are buildings or parts thereof such as banks and recreational or retail facilities in a building and multiuse buildings that contain residential units.

(18) "Organic-coated glass" means a glazing material consisting of a piece of glass coated and bonded on one or both sides with an applied polymeric coating, sheeting, or film.

(19) "Patio door" (See "sliding glass doors (patio-type)" in paragraph (a) (29) of this section.

(20) "Permanent label" means a label that will remain permanently legible and visible after installation of the glazing material and that would be destroyed in attempts to remove it from the glazing material and includes (but is not limited to) sandblast, acid etch, hot-stamp, and destructible polyester labels.

(21) "Plastic" means an organic transparent or translucent glazing material that consists of a single sheet of plastic material, a combination of two or more such sheets laminated together, or a combination of plastic material and reinforcement material in the form of fiber or flakes.

(22) "Private labeler" means an owner of a brand or trademark on the label of a consumer product which bears a private label, and includes any fabricator, distributor, or installer who cuts certified and permanently labeled glazing materials into smaller pieces.

(23) "Public building" means a building of public assembly or meeting including (but not limited to) a museum, place of worship, restaurant.

(24) "Recreational building" means a building used for recreational purposes including (but not limited to) a theater, stadium, gymnasium, amusement park building or library.

(25) "Residential building" means a structure, permanent or temporary, such as a single or multifamily residence, including (but not limited to) a house, apartment building, lodging home, dormitory, hotel, motel, hospital, sanitarium, mobile home (as defined in paragraph (a) (16) of this section), and nursing home, used as a dwelling for one or more persons or families. Public area of all residential buildings, such as lobbies and other common facilities, are included within the definition of "other buildings or parts thereof" in paragraph (a) (21) of this section.

(26) "Retailer" means a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer, including a person who cuts glazing material to size.

(2) "School building" means a structure designed primarily for the conduct of educational instruction and includes the classrooms, libraries, administrative offices, auditoriums, eating and sanitary facilities, stadiums, and gymnasiums and all other structures associated with such buildings.

(28) "Shower door and enclosure" means an assembly of one or more panels installed to form all or part of the wall and/or door of a shower stall.

(29) "Sliding glass door (patio-type)" means an assembly of one or more panels, at least one of which is suitably movable for use as a means of human ingress or egress. The term includes the nonmovable and movable panels of such assembly.

(30) "Storm door (or combination door)" means a movable assembly, used in tandem with an exterior door to protect the door against weather elements and to improve indoor climate control.

(31) "Tempered glass" means a piece of specially heat treated or chemically treated glass that cannot be cut, drilled, ground, or polished after treatment without fracture. When fractured at any point, if properly tempered, the entire piece breaks into small granular pieces.

(32) "Wired glass" means a single piece of annealed glass that contains wire embedded in the body of the glass.

(33) "Commission" means the Consumer Product Safety Commission.

(b) Definitions given in the Consumer Product Safety Act, and not repeated in this section, are applpicable to this Part 1201.

§ 1201.3 General requirements.

(a) All glazing materials used or intended for use in glazed architectural products listed in § 1201.1(a) and defined in § 1201.2 shall meet the test requirements in § 1201.4, and shall be labeled in accordance with § 1201.5.

(b) Glazing materials used in architectural products not listed in § 1201.1 (a) are not subject to this Part 1201.

§ 1201.4 Test procedures.

(a) *Types of tests*—(1) *Impact test.* Specimens are struck as prescribed by paragraph (d) (1) of this section using equipment specified by paragraphs (b) (1) and (2) of this section. Results of the impact test are to be interpreted in accordance with paragraph (e) (1) of this section. The test specimens are to be selected in accordance with paragraph (c) (1) and (2) of this section.

(2) *Accelerated environmental durability tests.* Each manufacturer shall test or cause to be tested each of its different types of glazing material covered by this Part 1201 in accordance with the accelerated tests referenced in table I, "Accelerated Tests" of this section.

TABLE I.—*Accelerated tests (applicable paragraphs)*

Glazing material	Specimen	Test equipment	Exposure	Criteria for passing
Laminated glass	Sec. 1201.4(c)(1) and (c)(3)(i).	Sec. 1201.4(b)(3)(i)	Sec. 1201.4(d)(2)(i)	Sec. 1201.4(e)(2)(i).
Organic-coated glass.	Sec. 1201.4 (c)(1) and (c)(3)(ii).	Sec. 1201.4(b)(3)(ii) or (b)(3)(iii) or (b)(3)(iv).	Sec. 1201.4(d)(2)(ii)	Sec. 1201.4(e)(2)(ii)(B).
Plastics	Sec. 1201.4 (c)(1) and (c)(3)(ii)	Sec. 1201.4 (b)(3)(ii) or (b)(3)(iii) or (b)(3)(iv).	Sec. 1201.4(d)(2)(ii)	Sec. 1201.4(e)(2)(ii)(A).
Plastics (indoor)	Sec. 1201.4 (c)(1) and (c)(3)(iii).	Sec. 1201.4(b)(3)(v)	Sec. 1201.4(d)(2)(iii)	Sec. 1201.4(e)(2)(ii)(C).
Tempered glass	Exempt			
New products	See sec. 1201.4(a)(3)			

(3) Separate testing is required for different glazing materials or for differences within a type of glazing material that could noticeably affect performance in the impact or environmental durability tests. Such differences could include (but are not limited to): nominal thickness or thicknesses, method of manufacture (in appropriate cases), types and amounts of additives, and composition of base materials and adhesives.

(b) *Impact test equipment*—(1) *Impact test frame and subframe. (See figures 1, 2, 3, and 4).* (i) The impact test frame shall be constructed to minimize movement and deflection of its members during testing. For this purpose, the structural framing and bracing members shall be steel angles (3 inches by 5 inches by ¼ inch—7.7 centimeters by 12.7 centimeters by 0.7 centimeters) or other sections and materials or equal or greater rigidity, except that impact test frames already in existence on the effective date of this Part 1201 that conform to the requirements of ANSI Standard Z97.1–1972[1] and which are as rigid as the steel angle frame need not be modified to be specified steel angle construction.

[1] Entitled "Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings," January 20, 1972 approved and published by American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

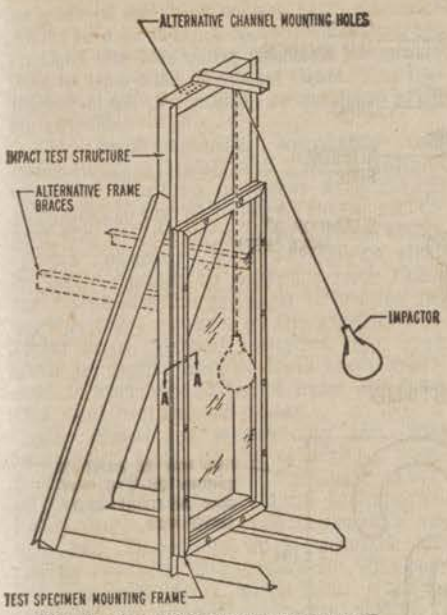

FIG 1-GLASS IMPACT TEST STRUCTURE

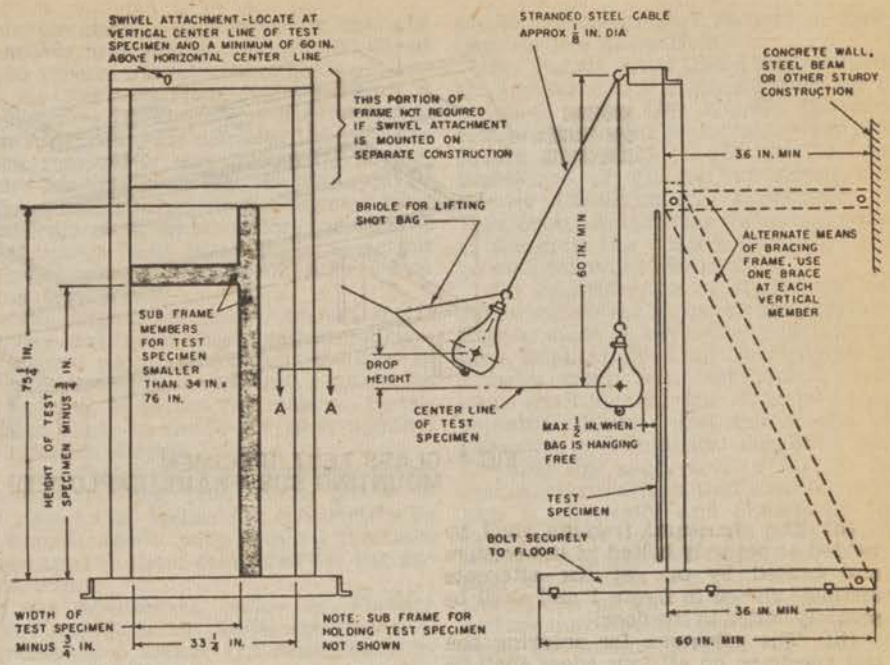

FIG 2-TEST FRAME

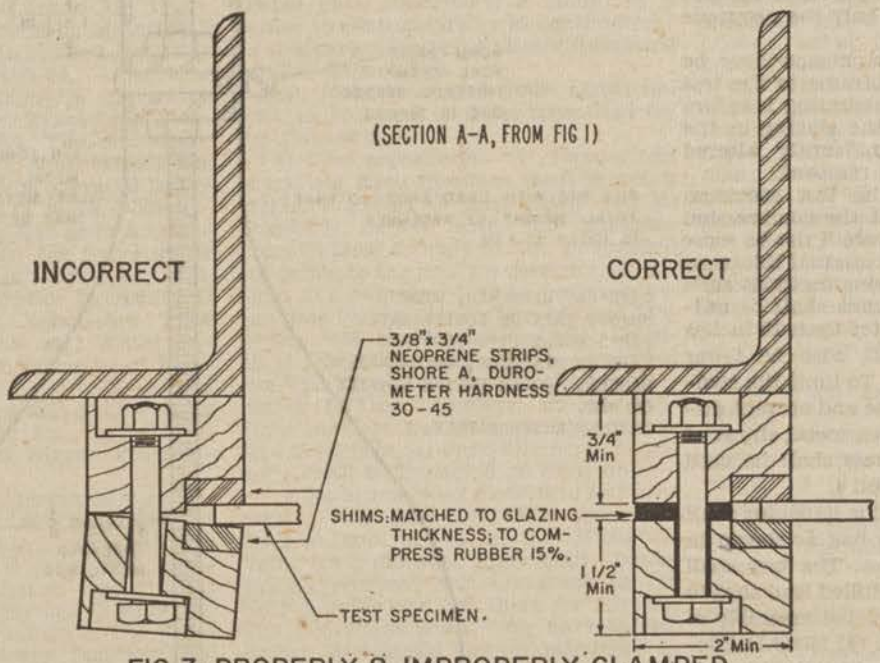

FIG 3-PROPERLY & IMPROPERLY CLAMPED TEST SPECIMEN (> 1/8" THICK)

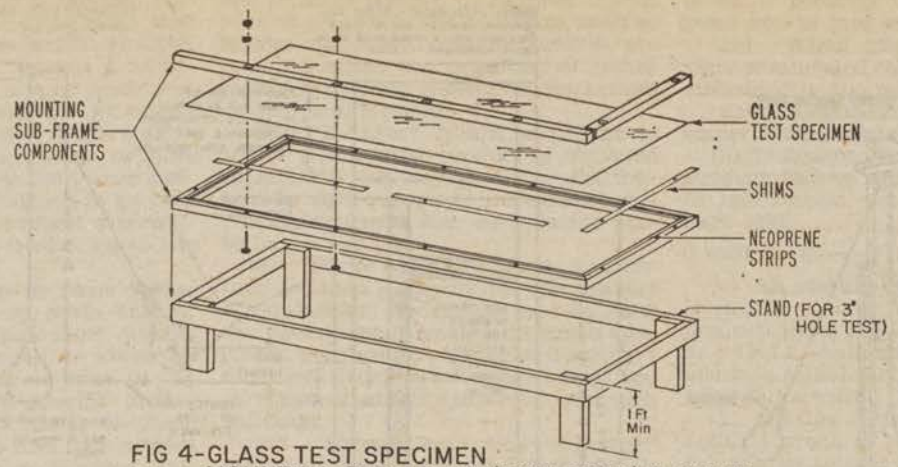

FIG 4-GLASS TEST SPECIMEN MOUNTING SUB-FRAME (EXPLODED) & STAND

(ii) The structural framing shall be welded or securely bolted at the corners and braced by one of the alternate methods shown in figure 1 and shall be securely bolted to the floor.

(iii) The subframe for securing the test specimen on all four edges shall be reinforced at each corner. The material is shown as wood in figure 3, but other materials may be used provided the test specimen will contact only the neoprene strips.

(iv) Any reasonable means may be used to secure the subframe to the test frame so long as the mounting is secure and the pressure on the glazing in the subframe is not significantly altered when the subframe is removed.

(v) Pressures on the test specimen shall be controlled but the compression of the neoprene strips shall not be more than 15 percent of the original thickness of the neoprene. Securing methods such as wing bolts and clamps shall be uniformly spaced no greater than 18 inches (45 centimeters) apart with no fewer than two on any edge. To limit the compression of the neoprene and prevent distortion of the subframe, metal shims of an appropriate thickness shall be used as shown in figures 3 and 4.

(2) *Impactor*—(i) The impactor shall be a leather punching bag as shown in figure 5 of this section. The bag shall be filled with No. 7½ chilled lead shot to a total weight of completed assembly of 100 pounds ± 4 ounces (45.36±0.11 kilograms). The rubber bladder shall be left in place and filled through a hole cut into the upper part. After filling the rubber bladder, the top should be either twisted around the threaded metal rod below the metal sleeve or pulled over the metal sleeve and tied with a cord or leather thong. Note that the hanging strap must be removed. The bag should be laced in the normal manner. The exterior of the bag shall be completely covered by ½-inch (1.3 centimeters) wide polyester glass fiber reinforced tape or equivalent (figure 5).

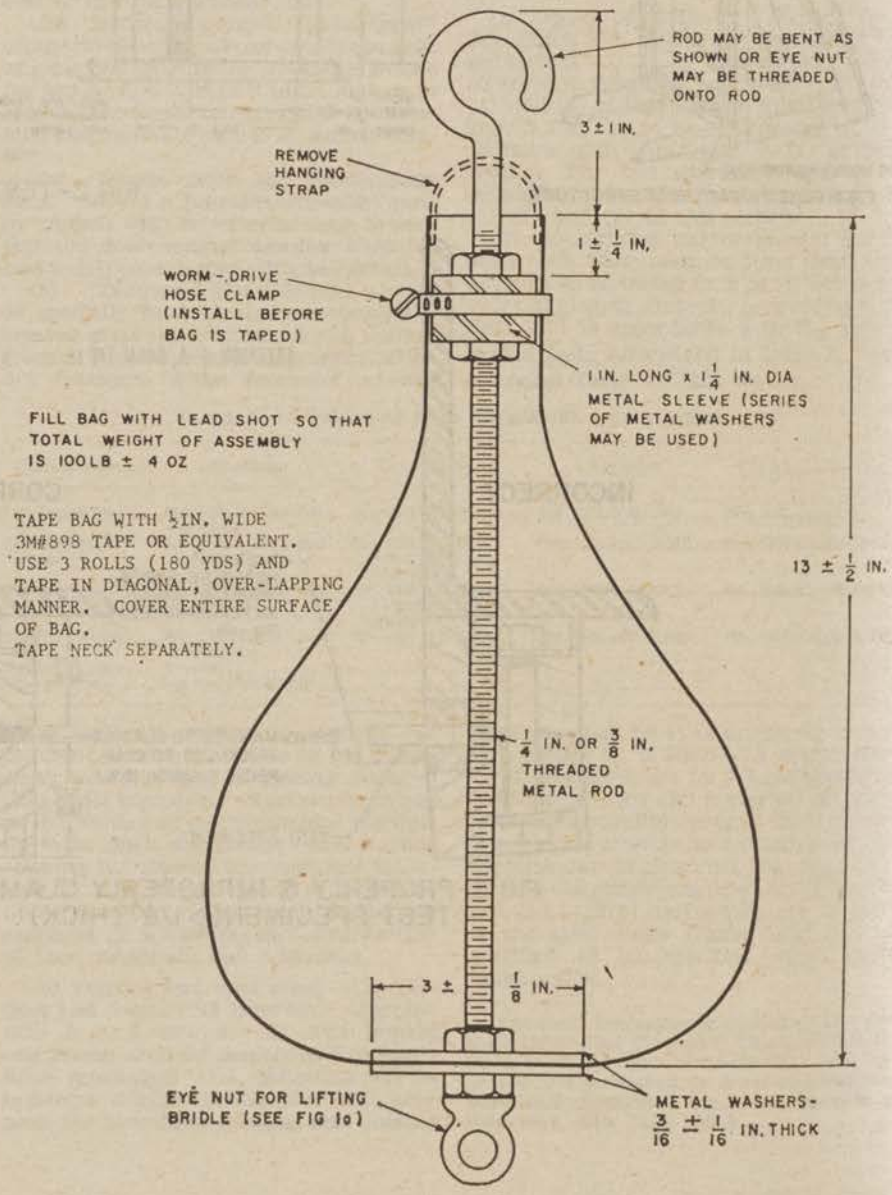

FIG 5-IMPACTOR

(ii) The impactor shall be supported as shown in figure 2. Provisions shall be made for raising the impactor to drop heights of up to 48 inches (1.22 meters). At its release it shall have been supported so that the pin going through its center was in line with the steel cable. The impactor shall not wobble or oscillate after its release.

(3) *Environmental durability test equipment*—(i) *Boil test.* Two containers of water shall be provided with means to maintain one at 150°±5° F (66°±2° C) and the second at a slow boil at atmospheric pressure. The containers shall be large enough to accept a rack holding three specimens, each 12 inches (30 centimeters) square, of the glazing material in a vertical position. The rack shall be positioned so that each specimen is surrounded by at least one inch (2.5 centimeters) of water.

(ii) *Simulated weathering test.* The equipment shall be the apparatus commercially known as a "Weatherometer" or its functional equivalent, incorporating a single or twin carbon arc or a xenon arc. Recorders shall monitor the energy reaching the specimens. The carbon-arc equipment, when used, shall be operated in accordance with ASTM G 23-69, "Operating Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Exposure of Nonmetallic Materials," March 21, 1969, as augmented for plastics by ASTM D 1499-64, "Operating Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Exposure of Plastics," August 31, 1964. The xenon-arc equipment, when used, shall employ the borosilicate filter and be operated in accordance with ASTM G 26-70, "Operating Light- and Water-Exposure Apparatus (Xenon-Arc Type) for Exposure of Nonmetallic Materials," April 13, 1970, as augmented for plastics by ASTM D 2565-70, "Operating Xenon-Arc Type (Water-Cooled) Light- and Water-Exposure Apparatus for Exposure of Plastics," June 12, 1970, Procedure B. (ASTM methods are approved and published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa 19103.)

(iii) *Outdoor weathering test equipment.* Commercial outdoor exposure test racks shall face the specimens south and inclined skyward 45 degrees. The specimens shall be mounted so that at least 80 percent of each surface is fully exposed to the environment. The total amount of solar energy reaching the specimens shall be recorded.

(iv) *Intensified weathering test.* The Equatorial Mount with Mirrors for Acceleration with Water found at the Desert Sunshine Exposure Tests near Phoenix, Arizona, may be used with appropriate private water spray cycle. The total solar energy reaching the specimens shall be monitored.

(v) *Indoor aging test.* A test chamber large enough to contain four specimens of size used in the impact test (see paragraph (c)(2) of this section) shall be used. Hangers shall be provided to support the specimens vertically with 4 inches (11 centimeters) of separation for air circulation. The chamber shall be capable of reaching 140° F (60° C) at 100 percent relative humidity.

(c) *Test specimens*—(1) *Condition of specimens.* All specimens shall be tested as supplied by the manufacturer, following removal of any temporary protective masking materials. No tests shall be commenced before the specimens have been stored in the laboratory for 4 hours. Specimens shall be arranged to permit free circulation of air to all surfaces during this period.

(2) *Impact specimens.* Impact specimens shall be of the largest size manufactured up to a maximum width of 34 inches (86 centimeters) and a maximum height of 76 inches (1.9 meters). Specimens shall be tested for each nominal thickness offered.

(3) *Environmental durability specimens*—(i) *Boil test.* Three pieces 12 inches by 12 inches (30 centimeters by 30 centimeters) with nominal thickness identical to those submitted for the impact test.

(ii) *Weathering tests*—(A) *Plastics.* Not less than 10 plastic specimens ½ inches by 5 inches (1.3 centimeters by 12.7 centimeters) by thickness identical to those submitted for the impact test.

(B) *Organic-coated glass.* Six organic-coated glass speciments 2 inches by 6 inches (5 centimeters by 15 centimeters) by thickness identical to those submitted for the impact test.

(iii) *Indoor service.* Four additional samples identical to those submitted for the impact test.

(d) *Test procedures*—(1) *Impact test procedure.* Each specimen shall be struck within 2 inches (5 centimeters) of its geometric center with the impactor dropped from a single height, designated according to the product category. Specimens for category I shall be impacted one time from a drop height of 18 to 18½ inches (458 to 470 millimeters). Specimens for category II shall be impacted one time from drop height of 48 to 48½ inches (1.22 to 1.23 meters). For all specimens that are not symmetric from surface to surface, an equal number of specimens shall be impacted on each side.

(2) *Environmental durability test procedures*—(i) *Boil test.* The specimens shall be immersed in the 150° F (66° C) water for 3 minutes. They shall then be quickly removed and immersed in the boiling water and left there for 2 hours. The specimens shall then be removed, cooled, and dried for examination as specified in § 1201.4(e)(2)(1) of this standard.

(ii) *Accelerated weathering test.* The specimens shall be retained in the selected equipment (paragraph (b)(3)(ii), (iii), or (iv) of this section) until exposed to 200,000±10,000 langleys (200.±10. kilo-calories per square centimeter) of radiation. Three organic-coated glass specimens shall be mounted with the coated surface away from the radiation; the other three specimens shall be kept in darkness at 73° F (23° C) for use as controls. Half of the number of the plastic specimens shall be exposed to radiation and half of the number of plastic specimens shall be kept in darkness for use as controls.

(iii) *Indoor aging test.* The specimens shall be hung in the test chamber for 10 complete cycles (480 hours). The procedure shall be in accordance with procedure A of ASTM D 756-56, "Test for Resistance of Plastics to Accelerated Service Conditioning," September 10, 1956, except that during the humid phase of the cycle the relative humidity shall be maintained at 100 percent.

(iv) *Identification of plastic and adhesive specimens.* Infrared spectrograms may be made of any initial plastic specimen. Replication of this spectrogram by samples taken from subsequent specimens shall identify the material as acceptable without repetition of the accelerated environmental durability test. In using this paragraph (d)(2)(iv) the manufacturer attests that each formulation is physically and chemically the same as that used for the initial qualification test. This paragraph (d)(2)(iv) may not be used to negate or supercede the results of any actual testing. This section may not be used for composites such as laminated glass or organic-coated glass.

(e) *Interpretation of results*—(1) *Impact test.* (i) A glazing material shall be judged to pass the impact test if the specimen tested meets any one of the criteria listed in paragraph (e)(1)(i)(A) through (D) of this section:

(A) When breakage occurs (numerous cracks and fissures may occur) no opening shall develop in the test sample through which a 3-inch (76 millimeters) diameter solid steel sphere, weighing 4 pounds ±3 oz (1.81±0.08 kilograms), passes when placed (not dropped) in the opening. For this criterion, the sample after being impacted shall be placed, while remaining in the subframe, in a horizontal, impact side-up position with a minimum of one foot (31 centimeters) of free space immediately beneath the specimen.

(B) When breakage occurs, the 10 largest crack-free particles selected within 5 minutes subsequent to the test shall weigh no more than the equivalent weight of 10 square inches (64 square centimeters) of the original specimen.

(C) The specimen has:

(1) A modulus of elasticity less than 750,000 psi (5.170 megapascal) when measured by ASTM D 790-71, "Standard Method of Test for Flexural Properties of Plastics," October 29, 1971, and

(2) A Rockwell hardness (M or R scale) less than 140 when measured by ASTM D 785-65 (Reapproved 1970), "Standard Method of Test for Rockwell Hardness of Plastics and Electrical Insulating Materials," August 31, 1965.

(D) The specimen shall not break but is not required to remain within the frame.

(ii) A glazing material may be qualified for both category I and category II, but in such case, specimens must be tested in accordance with the procedures for each category.

(2) *Environmental durability tests*—(i) *Boil test.* The glass itself may crack in this test, but no bubbles or other defects

shall develop more than ½ inch (12 millimeters) from the outer edge of the specimen or from any crack that may develop. Any specimen in which the glass cracks to an extent that confuses the results shall be discarded and another specimen shall be tested in its stead.

(ii) *Accelerated weathering test*—(A) *Plastics.* (*1*) Plastic specimens shall be evaluated before and after exposure as described in Method B, "Simple Beam (Charpy-Type) Test," of ASTM D 256-73, "Test for Impact Resistance of Plastics and Electrical Insulating Materials," November 27, 1973. The exposed specimens shall be tested with the exposed surface subjected to tension. In the case of thin materials, the span of the specimens shall be reduced to 2 inches (50 millimeters) to avoid having the specimens bend enough to slip between the supports without breaking. For materials that will not break on this 2-inch (50 millimeters) span the specimens shall be notched across the ½-inch (12 millimeters) surface prior to exposure. The notch shall be a 45-degree angle and the radius at the bottom shall be 0.010±0.002 inch (0.25±0.04 millimeters). The thickness of the material beneath the notch shall be uniform within ±0.002 (±0.05 millimeters) inch for all specimens and shall not be less than 70 percent of the specimen thickness. During exposure the notch shall face the radiation source.

(*2*) Plastic material shall be acceptable for safety glazing if the impact strength is not reduced by more than 25 percent during exposure. Some discoloration is permissible, but defects other than this discoloration shall not be permissible. No bubbles or other noticeable decomposition shall be permissible in the irradiated portion.

(B) *Organic-coated glass.* Specimens shall be judged satisfactory if they pass both the adhesion test and the tensile test described in paragraphs (e)(2)(ii)(B) (*1*) and (*2*) of this section.

(*1*) *Adhesion test (organic-coated glass only*—(*i*) *Specimens.* The specimens for this test are the three 2-inch by 6-inch (5 centimeters by 15 centimeters) weathered specimens and the three control specimens. The specimens shall be conditioned just prior to the performance of the adhesion test at 73°±2° F (23°±1° C) and 50±2 percent relative humidity for 24 hours.

(*ii*) *Apparatus.* The test apparatus shall consist of a constant-rate-of-extension-type (CRE) tensile tester with the moving crosshead set to move at 12 inches per minute (5 millimeters per second) and load range such that the average peel force will fall at 30 to 50 percent of full scale. A cutter shall be used containing new razor blades for cutting 1-inch (25 millimeter) wide specimens of the organic coating on the glass. The razor blades shall be used one time only.

(*iii*) *Procedure.* Using the razor cutter, cut a straight, 1-inch (25 millimeter) wide strip of the organic coating in the lengthwise direction of the glass specimen along and within ¼ inch (6 millimeters) of one edge. Peel back, cleanly and evenly, about 2 inches (50 millimeters) of one end of the 1-inch (25 millimeters) wide organic strip. Attach a strip of reinforced pressure-sensitive tape to the side of the organic strip opposite the adhesive, to extend this free end to about 8 inches (200 millimeters) in length. Place the end of the glass panel from which the organic strip was removed in the lower clamp of the tensile tester and the free end of the tape in the upper clamp. Peel the remainder of the organic strip from the glass mechanically and obtain a record of the peel force value. Determine and record the average pull force value for each specimen from the chart. Weathered and control specimens are to be tested alternately.

(*iv*) *Interpretation of results.* The organic-coated glass adhesion shall be judged satisfactory if the average adhesion value for the three weathered specimens is no less than 90 percent of the average adhesion value for the three control specimens.

(*2*) *Tensile strength test (organic-coated glass only).* (*i*) The specimen for this test are the same six 2-inch by 6-inch (5 centimeter by 15 centimeter) specimens used in the adhesion test.

(*ii*) *Apparatus.* The CRE tensile tester shall be used with the moving crosshead set to move at 2 inches per minute (0.8 millimeter per second) and the load range such that the specimens will break at 30 to 60% of full scale. A cutter shall be used containing new razor blades for cutting ½-inch (12 millimeter) wide specimens of the organic coating on the glass. The razor blades shall be used one time only.

(*iii*) *Procedure.* Using the ½-inch (12 millimeter) razor cutter, cut a straight strip of the organic coating in the lengthwise direction of the glass specimen for the full 6-inch (15 centimeter) length. Carefully peel this strip from the glass panel and test it for breaking strength in the tensile tester.

(*iv*) *Interpretation of results.* The organic coating tensile strength shall be judged satisfactory if the average tensile value of the three weathered specimens is no less than 75 percent of the average of the three control specimens. Weathered and control specimens are to be tested alternately.

(C) *Plastic (indoor service).* Specimens shall be judged satisfactory if, after the indoor aging test (paragraph (d)(2)(iii) of this section), they again pass the impact test (paragraph (d)(1) of this section).

§ 1201.5 Certification and labeling requirements.

(a) Manufacturers and private labelers of glazing materials covered by this Part 1201 shall comply with the requirements of section 14 CPSA (15 U.S.C. 2063) and regulations issued under section 14.

(b) Any glazing material that meets only the requirements of § 1201.4(e)(2)(ii)(C) entitled "Plastic (indoor service" shall bear the statement "INDOOR USE ONLY" as part of a permanent label.

(c) Organic-coated glass that has been tested for environmental exposure from one side only must bear a permanent label on the coating stating "INSTALL WITH THIS SURFACE INDOORS" and shall bear in the central 50 percent of the surface area the following message in letters at least ¼-inch (7 millimeters) high: "SEE PERMANENT LABEL FOR IMPORTANT MOUNTING INSTRUCTION." The latter message shall be attached to either side of the glazing by any means which shall ensure the message will remain in place until installation.

(d) It shall be contrary to this Part 1201 for anyone other than the ultimate consumer to remove any permanent label required by this Part 1201 from glazing material subject to this Part 1201.

§ 1201.6 Prohibited stockpiling.

(a) *Stockpiling.* For the purposes of this section, the term "stockpiling" means manufacturing or importing the affected products between the date of promulgation of Part 1201 in the FEDERAL REGISTER and its effective date (180 days after promulgation) at a rate significantly greater (prescribed in paragraph (c) of this section) than the rate at which the affected products were produced or imported during a base period (prescribed in paragraph (c)(2) of this section).

(b) *Prohibited acts.* Manufacturers, including fabricators, and importers of architectural products specified in § 1201.1(a) who incorporate glazing material into those products shall not incorporate glazing materials which do not comply with the requirements of this Part 1201 into such products between the date of issuance of this Part 1201 in the FEDERAL REGISTER and 180 days thereafter at a rate greater than the rate of production or importation during the base period (defined in paragraph (c)(2) of this section) plus ten percent.

(c) *Definitions.* As used in this § 1201.6:

(1) "Rate of production (or importation)" means the total number of affected architectural products incorporating glazing material not complying with this Part 1201 manufactured or imported during a stated base period.

(2) "Base period" means, at the option of the manufacturer or importer, any period of 180 consecutive days beginning on or after January 1, 1974, and ending on or before July 1, 1975.

Interested persons are invited to submit, on or before March 12, 1976, written comments regarding any aspect of the proposed standard. The Commission is interested in receiving comment on the technical aspects of the standard as well as comments on the need of the public for the consumer products subject to the standard and the probable effects of the standard upon the utility, cost, or availability of the products to meet the need. In this connection, the Commission's draft economic analysis is available for review in the Office of the Secretary. Such comment should be accompanied, to the extent possible, by

supporting data or documentation. Requests for confidentiality of documentation will be handled in accordance with the Freedom of Information Act as amended, 5 U.S.C. 552; the Commission's interim regulations issued under that Act, (39 FR 30298, August 21, 1974); and the provisions of section 6(a)(2) of the CPSA (15 U.S.C. 2055(a)(2)).

Interested persons will be afforded an opportunity to make an oral presentation of data, views, or arguments on any aspect of the proposed standard on March 8, 1976. The proceedings for the oral presentation will be held at 10:00 a.m. at the 6th Floor Hearing Room, 1750 K Street, NW., Washington, D.C. The procedural regulations for oral presentations, 16 CFR Part 1109, promulgated October 14, 1975, (40 FR 48122), shall govern this proceeding.

All persons wishing to make an oral presentation should notify Richard Danca of the Office of the Secretary, 202-634-7700, no later than close of business February 26, 1976, for scheduling purposes. A summary or outline of each oral presentation should be filed with the Office of the Secretary at least 48 hours prior to the oral presentation.

Written submissions and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and other relevant material may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: February 4, 1976.

SADYE E. DUNN,
Secretary, Consumer Product, Safety Commission.

[FR Doc.76-3769 Filed 2-10-76;8:45 am]

federal register

WEDNESDAY, FEBRUARY 11, 1976

PART IV:

ENVIRONMENTAL PROTECTION AGENCY

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ALTERNATIVE WASTE MANAGEMENT TECHNIQUES FOR BEST PRACTICABLE WASTE TREATMENT

Supplement

ENVIRONMENTAL PROTECTION AGENCY

[FRL 482-6]

ALTERNATIVE WASTE MANAGEMENT TECHNIQUES FOR BEST PRACTICABLE WASTE TREATMENT

Supplement

Pursuant to Section 304(d)(2) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), the Environmental Protection Agency (EPA), gave notice on October 23, 1975 (40 FR 49598) that Alternative Waste Management Techniques for Best Practicable Waste Treatment has been published in final form. The final report contains the criteria for best practicable waste treatment technology and information on alternative waste management techniques.

The criteria for Best Practicable Waste Treatment for Alternatives employing land application techniques and land utilization practices required that the ground water resulting from land application of wastewater meet the standards for chemical quality [inorganic chemicals] and pesticides [organic chemicals] specified in the EPA Manual for Evaluating Public Drinking Water Supplies in the case of groundwater which potentially can be used for drinking water supply. In addition to the standards for chemical quality and pesticides, the bacteriological standards [microbiological contaminants] specified in the EPA Manual for Evaluating Drinking Water Supplies were required in the case of groundwater which is presently being used as a drinking water supply. The pertinent section of the EPA Manual for Evaluating Public Drinking Water Supplies was included as Appendix D of the Alternative Waste Management Techniques for Best Practicable Waste Treatment report.

Also specified in the Criteria for Best Practicable Waste Treatment is that "any chemical, pesticides, or bacteriological standards for drinking water supply sources hereafter issued by EPA shall automatically apply in lieu of the standards in the EPA Manual for Evaluating Public Drinking Water Supplies. The National Interim Primary Drinking Water Regulations were published in final form on December 24, 1975.

In consideration of the foregoing, Chapter II and Appendix D of Alternative Waste Management Techniques for Best Practicable Waste Treatment shall read as follows.

Dated: February 4, 1976.

RUSSELL E. TRAIN,
Administrator.

CHAPTER II

CRITERIA FOR BEST PRACTICABLE WASTE TREATMENT

Applicants for construction grant funds authorized by Section 201 of the Act must have evaluated alternative waste treatment management techniques and selected the technique which will provide for the application of best practicable waste treatment technology. Alternatives must be considered in three broad broad categories: treatment and discharge into navigable waters, land application and utilization practices, and reuse of treated wastewater. An alternative is "best practicable" if it is determined to be cost-effective in accordance with the procedures set forth in 40 CFR Part 35 (Appendix B to this document) and if it will meet the criteria set forth below.

(A) Alternatives Employing Treatment and Discharge into Navigable Waters. Publicly-owned treatment works employing treatment and discharge into navigable waters shall, as a minimum, achieve the degree of treatment attainable by the application of secondary treatment as defined in 40 CFR 133 (Appendix C). Requirements for additional treatment, or alternate management techniques, will depend on several factors, including availability of cost-effective technology, cost and the specific characteristics of the affected receiving water body.

(B) Alternatives Employing Land Application Techniques and Land Utilization Practices. Publicly-owned treatment works employing land application techniques and land utilization practices which result in a discharge to navigable waters shall meet the criteria for treatment and discharge under Paragraph (A) above.

The ground water resulting from the land application of wastewater, including the affected native ground water, shall meet the following criteria:

Case I: The ground water can potentially be used for drinking water supply.

(1) The maximum contaminant levels for inorganic chemicals and organic chemicals specified in the National Interim Primary Drinking Water Regulations (40 CFR 141) (Appendix D) for drinking water supply systems should not be exceeded except as indicated below (see Note 1).

(2) If the existing concentration of a parameter exceeds the maximum contaminant levels for inorganic chemicals or organic chemicals, there should not be an increase in the concentration of that parameter due to land application of wastewater.

Case II: The ground water is used for drinking water supply.

(1) The criteria for Case I should be met.

(2) The maximum microbiological contaminant levels for drinking water supply systems specified in the National Interim Primary Drinking Water Regulations (40 CFR 141) (Appendix D) should not be exceeded in cases where the ground water is used without disinfection (see Note 1).

Case III: Uses other than drinking water supply.

(1) Ground water criteria should be established by the Regional Administrator based on the present or potential use of the ground water.

The Regional Administrator in conjunction with the appropriate State officials and the grantee shall determine on a site-by-site basis the areas in the vicinity of a specific land application site where the criteria in Case I, II, and III shall apply. Specifically determined shall be the monitoring requirements appropriate for the project site. This determination shall be made with the objective of protecting the ground water for use as a drinking water supply and/or other designated uses as appropriate and preventing irrevocable damage to ground water. Requirements shall include provisions for monitoring the effect on the native ground water.

(C) Alternatives Employing Reuse. The total quantity of any pollutant in the effluent from a reuse project which is directly attributable to the effluent from a publicly-owned treatment works shall not exceed that which would have been allowed under Paragraphs (A) and (B) above.

NOTE 1.—Any amendments of the National Interim Primary Drinking Water Regulations and any National Revised Primary Drinking Water Regulations hereafter issued by EPA prescribing standards for public water system relating to inorganic chemicals, organic chemicals or microbiological contamination shall automatically apply in the same manner as the National Interim Primary Drinking Water Regulations.

APPENDIX D

GROUND WATER REQUIREMENTS

The following maximum contaminant levels contained in the National Interim Primary Drinking Water Regulations (40 CFR 141) are reprinted for convenience and clarity. The National Interim Primary Drinking Water Regulations were published in final form in the FEDERAL REGISTER on December 24, 1975. In accordance with the criteria for best practicable waste treatment, 40 CFR 141 should be consulted in its entirety when applying the standards contained therein to wastewater treatment systems employing land appplication techniques and land utilization practices.

Maximum contaminant levels for inorganic chemicals. The following are the maximum levels of inorganic chemicals other than fluoride:

Contaminant:	*Level (milligrams per liter)*
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	0.05

The maximum contaminant levels for fluoride are:

Temperature degrees Fahrenheit [1]	Degrees Celsius	Level (milligrams per liter)
53.7 and below	12 apd below	2.4
53.8 to 58.3	12.1 to 14.6	2.2
58.4 to 63.8	14.7 to 17.6	2.0
63.9 to 70.6	17.7 to 21.4	1.8
70.7 to 79.2	21.5 to 26.2	1.6
79.3 to 90.5	26.3 to 32.5	1.4

[1] Annual average of the maximum daily air temperature.

Maximum contaminant levels for organic chemicals. The following are the maximum contaminant levels for organic chemicals:

	Level (milligram per liter)
(a) Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo,endo-5,8-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-Hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis [p-methoxyphenyl] ethane)	0.1
Toxaphene ($C_{10}H_{10}Cl_8$ - Technical chlorinated camphene, 67 to 69 percent chlorine)	0.005
(b) Chlorophenoxys:	
2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid)	0.01

Maximum microbiological contaminant levels. The maximum contaminant levels for coliform bacteria, applicable to community water systems and non-community water systems, are as follows:

(a) When the membrane filter technique pursuant to § 141.21(a) is used, the number of coliform bacteria shall not exceed any of the following:

(1) One per 100 milliliters as the arithmetic mean of all samples examined per month pursuant to § 141.21 (b) or (c);

(2) Four per 100 milliliters in more than one sample when less than 20 are examined per month; or

(3) Four per 100 milliliters in more than five percent of the samples when 20 or more are examined per month.

(b) (1) When the fermentation tube method and 10 milliliter standard portions pursuant to § 141.21(a) are used, coliform bacteria shall not be present in any of the following:

(i) More than 10 percent of the portions in any month pursuant to § 141.21 (b) or (c);

(ii) Three or more portions in more than one sample when less than 20 samples are examined per month; or

(iii) Three or more portions in more than five percent of the samples when 20 or more samples are examined per month.

(2) When the fermentation tube method and 100 milliliter standard portions pursuant to § 141.21(a) are used, coliform bacteria shall not be present in any of the following:

(i) More than 60 percent of the portions in any month pursuant to § 141.21 (b) or (c);

(ii) Five portions in more than one sample when less than five samples are examined per month; or

(iii) Five portions in more than 20 percent of the samples when five or more samples are examined per month.

(c) For community or non-community systems that are required to sample at a rate of less than 4 per month, compliance with Paragraphs (a), (b) (1), or (2) shall be based upon sampling during a 3 month period, except that, at the discretion of the State, compliance may be based upon sampling during a one-month period.

[FR Doc.76-3932 Filed 2-10-76;8:45 am]

federal register

WEDNESDAY, FEBRUARY 11, 1976

PART V:

PENSION BENEFIT GUARANTY CORPORATION

■

Employee Retirement Income Security Act of 1974

Limitation on Guaranteed Benefits

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2609—LIMITATION ON GUARANTEED BENEFITS

On November 4, 1975, the Pension Benefit Guaranty Corporation (hereinafter "PBGC") published for comment in the FEDERAL REGISTER, 40 FR 51374, proposed regulations implementing the limitations contained in section 4022(b) of the Employee Retirement Income Security Act of 1974 (hereinafter "the Act") on the benefits guaranteed by PBGC. The PBGC received a number of comments on the proposed regulations and has given consideration to each of them in promulgating these final regulations. Most of the comments submitted dealt with the treatment of disability pensions and with the definition of "benefit increase" as that term relates to the phase-in rule contained in section 4022(b)(8) of the Act. For the reasons set forth in greater detail below, PBGC has determined that the requested changes with regard to these two issues should not be made in the final regulations. However, the final regulations do contain some changes made as a result of the comments received, in addition to clarifying, correcting and substantive changes initiated by the PBGC staff.

All of the comments dealing with the treatment of disability pensions urged that the annuitant's age factor contained in proposed § 2609.4(c), which reduces the guarantee maximum for persons retiring prior to age 65, not be applied in the case of disabled persons forced to retire at ages younger than 65; that for the purpose of computing the guarantee maximum, these persons should be treated as having become disabled at age 65 or as being age 65 on the date of plan termination. The reasons advanced in support of this position are a perceived Congressional intent, as reflected in changes to the Social Security Act, that the pensions of disabled workers be protected to the greatest possible extent, and the fact that disabled persons (unlike early retirees) do not retire voluntarily.

It is the position of the PBGC that regardless of the extent of protection of disabled workers that Congress intended to provide under the Social Security Act, because of the differing purposes of that program and of the insurance program created by Title IV of the Employee Retirement Income Security Act, the Congressional intent found in the former program cannot be read into the latter program. Of great significance in this regard is the fact that the statute on its face appears to apply uniformly to all participants of the same age, and a review of the legislative history of the Act, particularly that pertaining to section 4022(b), shows no Congressional intent that the limitation rules be applied differently to different groups of participants, e.g. males and females or healthy participants and disabled participants. It should be noted here, that the legislative history does reveal a Congressional awareness that, under the provisions which became section 4022(b) of the Act, the guarantee maximum for a person who retired prior to age 65 would be less than the $750 per month specified in the statute. Thus, PBGC believes that it lacks legal authority to adopt a rule for computing the maximum guarantee limitation applicable to disability benefits which differs from the rule applied to other types of benefits, such as normal or early retirement.

Moreover, the fact the disability retirement is of an involuntary nature is not dispositive of the issue of whether disability benefits should be subject to a different insurance limitation, because other types of guaranteed benefits as well may come into pay status involuntarily. Examples of this are early retirement benefits where an employee is forced to retire through the unilateral action of his employer and survivors' benefits which are also of an involuntary nature. In short, PBGC does not believe that the involuntary nature of disability retirement is sufficient grounds for establishing different insurance limitations for disabled persons.

The second major area of comment, as noted above, dealt with the definition of "benefit increase," those increases being subject to a phase-in of the PBGC guarantee pursuant to section 4022(b)(8) of the Act. The argument made in the comments was that Congress intended that only increases in the amount of benefits and not in the value of benefits be subject to phase-in. PBGC disagrees with these comments. The principal reasons for this disagreement are set forth below.

The purpose of the phase-in rule is to protect against undue increases in unfunded plan liabilities in anticipation of plan termination. That is, an employer with limited net worth, and thus limited liability upon plan termination, might be willing, either because of pressure from participants or for his own motives, to increase substantially the value of plan benefits. He could do this in ways other than a straight increase in the benefit amount. For example, he could reduce the normal retirement age under the plan (thereby making more participants currently eligible for full retirement benefits) or liberalize the plan's vesting schedule (thereby giving participants nonforfeitable rights to a greater percentage of their accrued benefits). In all of these cases, the plan's liabilities, and therefore the liability of PBGC upon plan termination, are increased. Congress sought to avoid such an increase in PBGC's liability by providing in section 4022(b)(8) that PBGC's guarantee of benefits would be phased-in over a five-year period, and thus benefit increases granted shortly prior to plan termination may not be fully guaranteed. To argue that this rule applies only to increases in the amount of benefits and not to increases in the value of benefits (such as those created by liberalized vesting provisions or a reduction in normal retirement age), is to largely negate the prophylactic effect of the phase-in rule.

Moreover, the position suggested in the comments would result in inequality in treatment between participants in new plans and those in existing plans. It is clear that the guarantee of all benefits provided under a new plan must be phased-in over the stautory five-year period because all such benefits constitute increases over what was previously provided (nothing). A participant in an existing plan might likewise become newly entitled to benefits because of a plan amendment which, for example, liberalizes the plan's vesting provisions. It would be inequitable to provide on immediate and full guarantee of the benefits to which the participant in the existing plan has just become entitled while not doing so for the participant in the new plan.

One comment objected that the proposed regulations adjust the guarantee maximum on the basis of "actuarial equivalence" rather than "actuarial value" and argued that the latter, which would result in smaller reductions, should be used in the computation of the guarantee limitations. While there is not a consensus of opinion as to the precise distinction between the terms "actuarial value" and "actuarial equivalence," it appears that this comment is really suggesting that the maximum guarantee for immediate annuities be computed on the basis of constant value rather than actuarial value. The actuarial value of a periodic benefit is the present value of the expected stream of benefit payments taking into account interest and mortality prior to and during the payment period. The proposed and final regulations utilize this concept in computing the maximum guaranteeable benefits. The system argued for in the comment would not take i to account interest and mortality prior to the payment period. The shortcoming of this approach is that it creates a discrepancy between the value of immediate and deferred benefits, and this discrepancy is detrimental to the participant who is entitled to a deferred benefit. PBGC believes that such a result was not intended by Congress, and that absent a clear directive from Congress, PBGC should not institute a system that creates a clear economic incentive to retire immediately, rather than to continue working once having acquired a deferred vested benefit.

Another comment also objected, but on different grounds, to the actuarial concepts embodied in the proposed regulations. The formulae contained in the regulations for computing the maximum guaranteeable benefits were derived by using a composite mortality basis to determine the actuarial equivalent of the insurance maximum (i.e., $750 per month adjusted for changes in the Social Security contribution and benefit base payable as a life annuity commencing at age 65) at various ages below 65. For ages between the ages for which the actuarially equivalent limit was computed, the insurance limitation was determined by linear interpolation.

The comment raised a number of objections to this procedure. First, it was

suggested that a uniform mortality assumption should not be used. PBGC disagrees with this position, because it is felt that all participants of the same age should receive the same benefit protection from PBGC, regardless of the participant's sex, in recognition of the similar income needs of all retired workers. Further, this approach is consistent with the uniform treatment accorded males and females under plan accrual and vesting schedules.

It was also suggested that PBGC should use strict actuarial equivalence to determine the maximum guaranteeable benefits at all ages. This approach is rejected because of the tremendous administrative burdens it would place on PBGC in return for very minimal changes in amounts of guaranteed benefits. The use of strict actuarial equivalence, as opposed to the system adopted by PBGC, in fact would yield maximum guaranteeable benefits that are only very slightly different from those obtained using the PBGC approach.

Related to the above suggestion, is the comment that the formula contained in proposed § 2609.4(e), the age adjustment factor applicable when the beneficiary's age is different from that of the participant, results in a very substantial departure from strict actuarial equivalence when the difference in ages becomes large. PBGC concurs with this objection, and accordingly, § 2609.4(e) has been revised in the final regulation to provide that the formula contained therein shall only be used when the age difference is 15 years or less. If the difference in ages is larger, PBGC will provide the appropriate adjustment factors.

An objection was also raised in this comment to the method used in the computation of the period certain in the case of cash refund and installment refund annuities, § 2609.4(d) (i) and (ii) of the proposed regulations. It was contended that these provisions had the effect of emphasizing death benefits at the expense of retirement benefits. PBGC agrees with this position, and accordingly proposed § 2609.4(d) (i) and (ii) have been changed in the final regulations to provide that the period of certainty for these annuity forms is to be computed without reference to the maximum monthly amount guaranteeable under § 2609.3(a) of the regulations.

Finally, one comment suggested that a floor of 25% or 30% of the participant's highest average monthly salary during a five-year period be placed on the general maximum limitation contained in § 2609.3(a) of the proposed regulations. Section 2609.3(a) expresses the guarantee limitation in the same manner as it is stated in section 4022(b)(3) of the Act. Because the Act does not authorize the imposition of a floor on the guarantee maximum, PBGC cannot create such a floor in the regulations. Accordingly, this suggestion has been rejected.

Substantial changes, initiated by the PBGC, have been made in § 2609.5(c) to clarify the method used to compute benefit increases with respect to benefits that are in pay status under the terms of an amended plan as of the date of plan termination. In order to determine the benefit increase resulting from a plan amendment or scheduled increase in the case of a benefit which comes into pay status prior to plan termination, it is necessary to determine the benefit that would have been payable on the date of plan termination if the amendment had not increased the actuarial value of the benefit payable with respect to the participant as of the date the benefit commenced. The final regulations provide specifically for the determination of a benefit increase with respect to a participant where the benefit in pay status on the date of plan termination is different in amount, form, or age payable from the benefit payable as of the date the benefit commenced. For example, a plan may be amended to provide a joint and survivor annuity payable at the same age as the benefit provided under the terms of the plan prior to the amendment. If the participant retires under the terms of the amended plan, and the participant or beneficiary dies subsequently (but prior to plan termination), the benefit payable with respect to the participant on the date of plan termination is a single life annuity payable to the survivor at his or her current age, in the same or in a reduced amount as the joint and survivor annuity. Section 2609.5(c) provides for the computation of the benefit increase in this case in the following manner. First, the benefit which would have been payable under the terms of the plan prior to the amendment on the date the participant retired is converted to an actuarially equivalent joint and survivor annuity. Next, the benefit derived from this annuity which would have been payable on the date of plan termination is determined by adjusting the joint and survivor annuity to reflect the death of the participant. The result is the amount of the survivor's benefit that would be payable on the date of plan termination if the amendment had not increased the actuarial value of the benefit payable with respect to the participant as of the date he retired. The benefit increase with respect to the participant is then determined by comparing the amount of this survivor's benefit to the amount of the survivor's benefit actually in pay status on the date of plan termination.

This result is achieved as illustrated by the following example:

Assume that prior to the plan amendment, the plan provided a monthly benefit of $10 per year of credited service payable as a single life annuity commencing at age 65. The plan is amended to provide the same monthly benefit payable as a joint and survivor (contingent basis) 50 percent annuity commencing at age 65, under which if the retired participant predeceases his beneficiary, the beneficiary will receive 50 percent of the monthly benefit that was payable to the participant. Assume further that the participant and beneficiary were the same age, and that the participant retired subsequent to the plan amendment with 30 years credited service and thereafter died prior to the date of plan termination. On the date of plan termination the beneficiary is 66 years old. The amount of the benefit increase provided by the plan amendment is computed in the following manner.

(1) First, the benefit payable on the date of plan termination, as limited by § 2609.3(a), is computed, § 2609.5(c)(1). In this example, the benefit is a $150 per month single life annuity payable to the beneficiary, since the participant is deceased and the beneficiary is entitled to receive 50% of the joint benefit of $300 per month based on the participant's 30 years credited service.

(2) Next the factors which would be used to calculate the maximum monthly benefits guaranteeable under § 2609.3(a) for both the benefits provided under the plan prior to and subsequent to the amendment are determined, and each set of factors is stated in the manner set forth in § 2609.4(b)(1), § 2609.5(c)(2). It is important to note that the factors determined here are the factors which would be applicable on the date of the benefit increase. In this example, the factors thus determined are 1 with respect to the single life annuity payable at age 65, as provided under the plan prior to the amendment, and .9 with respect to the joint and survivor (contingent basis) 50 percent annuity payable at age 65, as provided under the plan subsequent to the amendment.

(3) The next step is to determine the monthly amount of the benefit provided under the plan subsequent to the amendment which has the same value as of the date of the amendment as the monthly amount of the benefit provided under the plan prior thereto, § 2609.5(c)(3). This is accomplished by multiplying the monthly amount of the benefit which would have been payable under the plan prior to the increase based on service credited to the participant as of the date he retired by a fraction comprised of the factors computed in Step 2. The numerator of this fraction is the factor applicable to the benefit provided subsequent to the amendment and the denominator is the factor applicable to the benefit provided prior to the amendment. In this example, a $300 per month single life annuity payable at age 65 (based on the participant's 30 years credited service) is multiplied by the fraction $\frac{.9}{1}$. This results in an equivalent joint and survivor (contingent basis) 50 percent annuity payable at age 65 of $270 per month.

(4) The final step is to compute the difference between the amount of the monthly benefit payable on the date of plan termination (as computed in Step 1) and the amount of the monthly benefit which would have been payable on that date based on the amount, form and age payable of the hypothetical benefit computed in Step 3, §§ 2609.5(c) and 2609.5(c)(4). In this example, the benefit payable on the date of plan termination is a $150 per month single life annuity payable to the beneficiary. The benefit

which would have been payable on the date of plan termination is a $135 per month single life annuity payable to the beneficiary, since the participant is deceased and the beneficiary would be entitled to receive 50 percent of the hypothetical $270 per month joint benefit computed in Step 3. Thus, the amount of the benefit increase is $15 per month.

Finally, a new paragraph (d) has been added to § 2609.7, providing that when a substantial owner becomes a plan participant subsequent to a plan amendment creating a benefit increase under the plan, the plan as it exists at the time he commences his participation shall be deemed to be the original plan for purposes of applying the phase-in rules relating to substantial owners contained in paragraphs (b) and (c) of that section.

Because a large number of plans have filed notices of intent to terminate and the processing of many of these terminating plans cannot be completed until regulations are promulgated delineating the limitations on the guarantee of benefits set forth in section 4022(b) of the Act, and because of the need to provide immediate guidance both to these plans and to those plans not yet terminating on the scope of the guarantee of benefits under section 4022, the Pension Benefit Guaranty Corporation finds that good cause exists for making these regulations effective immediately.

In consideration of the foregoing Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended by adding a new Part 2609 reading as follows:

Sec.
2609.1 Purpose and scope.
2609.2 Definitions.
2609.3 Maximum guaranteeable benefit.
2609.4 Computation of maximum guaranteeable benefits.
2609.5 Benefit increases.
2609.6 Five-year phase-in of benefit guarantee for participants other than substantial owners.
2609.7 Phase-in of benefit guarantee for participants who are substantial owners.
2609.8 Effect of tax disqualification.

AUTHORITY: Secs. 4002(b)(3), 4022(b), Pub. L. 93-406, 88 Stat. 1004, 1016-18 (29 U.S.C. 1302(b)(3), 1322(b)).

§ 2609.1 Purpose and scope.

(a) The purpose of this part is to describe the limitations on benefits guaranteed under Part 2605 of this chapter and to provide the methods for applying such limitations.

(b) This part applies to each plan providing benefits guaranteed under Part 2605 of this chapter.

§ 2609.2 Definitions.

As used in this part—

"Act" means the Employee Retirement Income Security Act of 1974.

"Annuity" means a series of periodic payments to a participant or surviving beneficiary for a fixed or contingent period.

"Benefit" means a benefit described in Part 2605 of this chapter.

"Benefit increase" means any benefit arising from the adoption of a new plan or an increase in the value of benefits payable arising from an amendment to an existing plan. Such increases include, but are not limited to, a scheduled increase in benefits under a plan or plan amendment, such as a cost-of-living increase, and any change in plan provisions which advances a participant's or beneficiary's entitlement to a benefit, such as liberalized participation requirements or vesting schedules, reductions in the normal or early retirement age under a plan, and changes in the form of benefit payments. In the case of a plan under which the amount of benefits depends on the participant's salary and the participant receives a salary increase the resulting increase in benefits to which the participant becomes entitled will not, for the purpose of this part, be treated as a "benefit increase." Similarly, in the case of a plan under which the amount of benefits depends on the participant's age or service, and the participant becomes entitled to increased benefits solely because of advancement in age or service, the increased benefits to which the participant becomes entitled will not, for the purpose of this part, be treated as a "benefit increase."

"Cash refund annuity" means an annuity under which if the participant dies prior to the time when he has received pension payments equal to a fixed sum specified in the plan, then the balance is paid as a lump-sum death benefit.

"Installment refund annuity" means an annuity under which if the participant dies prior to the time he has received pension payments equal to a fixed sum specified in the plan, then the balance is paid as a death benefit in periodic installments equal in amount to the participant's periodic benefit.

"Joint and survivor annuity (contingent basis)" means an annuity which is payable in periodic installments to a participant for his life and upon his death is payable to his beneficiary for the beneficiary's life in the same or in a reduced amount.

"Joint and survivor annuity (joint basis)" means an annuity which is payable in periodic installments to a participant and upon his death or the death of his beneficiary is payable to the survivor for the survivor's life in the same or in a reduced amount.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Period certain and continuous annuity" means an annuity which is payable in periodic installments for the participant's life, but for not less than a specified period of time whether or not the participant dies during that period.

"Step-down life annuity" means an annuity payable in a certain amount for the life of the participant plus a temporary additional amount payable until the participant attains an age specified in the plan.

§ 2609.3 Maximum guaranteeable benefit.

(a) *General limitation.* Benefits payable with respect to a participant under a plan shall be guaranteed only to the extent that such benefits do not exceed the actuarial value of a benefit in the form of a life annuity payable in monthly installments, commencing at age 65 equal to the lesser of the amounts computed in paragraphs (a)(1) and (2) of this section.

(1) One-twelfth of the participant's average annual gross income from his employer during either his highest-paid five consecutive calendar years in which he was an active participant under the plan, or if he was not an active participant throughout the entire such period, the lesser number of calendar years within that period in which he was an active participant under the plan.

(i) As used in this paragraph, "gross income" means "earned income" as defined in section 911(b) of the Internal Revenue Code of 1954, determined without regard to any community property laws.

(ii) For the purposes of this paragraph, if the plan is one to which more than one employer contributes, and during any calendar year the participant received gross income from more than one such contributing employer, then the amounts so received shall be aggregated in determining the participant's gross income for the calendar year.

(2) $750 multiplied by the fraction $\frac{x}{\$13,200}$, where "x" is the Social Security contribution and benefit base determined under § 230 of the Social Security Act in effect at the date of termination of the plan.

(b) *Aggregate payments limitation.* If a person is entitled to benefits under two or more plans or with respect to two or more participants, or if more than one person is entitled to benefits payable with respect to one participant, the aggregate benefits payable by PBGC from its funds shall be limited to the extent set forth in paragraph (a) of this section computed without regard to the provisions of paragraph (a)(1) of this section. The limitation contained in paragraph (a) of this section shall be applied separately to each plan at the date of its termination, and the amounts payable by PBGC under each plan shall be aggregated up to the limitation contained in this paragraph.

§ 2609.4 Computation of maximum guaranteeable benefits.

(a) *General.* Where a benefit is payable in any manner other than as a monthly benefit payable for life commencing at age 65, the maximum guaranteeable monthly amount of such benefit shall be computed by applying the applicable factor or factors set forth in paragraphs (c)-(e) of this section to the monthly amount computed under § 2609.3 (a). In the case of a step-down life annuity, the maximum guaranteeable

monthly amount of such benefit shall be computed in accordance with paragraph (f) of this section.

(b) *Application of adjustment factors to monthly amount computed under § 2609.3(a).* (1) Each percentage increase or decrease computed under paragraphs (c), (d), and (e) of this section shall be added to or subtracted from a base of 1.00, and the resulting amounts shall be multiplied.

(2) The monthly amount computed under § 2609.3(a) shall be multiplied by the product computed pursuant to paragraph (b)(1) of this section in order to determine the participant's and/or beneficiary's maximum benefit guaranteeable.

(c) *Annuitant's age factor.* If a participant or the beneficiary of a deceased participant is entitled to and chooses to receive his benefit at an age younger than 65, the monthly amount computed under § 2609.3(a) shall be reduced by the following amounts for each month up to the number of whole months below age 65 that corresponds to the later of the participant's age at the date of plan termination or his age at the time he begins to receive the benefit:

For each of the 60 months immediately preceding the 65th birthday, the reduction shall be 7/12 of 1%;

For each of the 60 months immediately preceding the 60th birthday, the reduction shall be 4/12 of 1%;

For each of the 120 months immediately preceding the 55th birthday, the reduction shall be 2/12 of 1%; and

For each succeeding 120 months period, the monthly percentage reduction shall be ½ of that used for the preceding 120 month period.

(d) *Factor for benefit payable in a form other than as a life annuity.* When a benefit is in a form other than a life annuity payable in monthly installments, the monthly amount computed under § 2609.3(a) shall be adjusted by the appropriate factors on a case-by-case basis by PBGC. This paragraph sets forth the adjustment factors to be used for several common benefit forms payable in monthly installments.

(1) *Period certain and continuous annuity.* The monthly amount computed under § 2609.3(a) shall be reduced by the following amounts for each month of the period certain subsequent to the date of plan termination:

For each month up to 60 months deduct 1/24 of 1%;

For each month beyond 60 months deduct 1/12 of 1%.

(i) A cash refund annuity shall be treated as a benefit payable for a period certain and continuous. The period of certainty shall be computed by dividing the amount of the lump-sum refund by the monthly amount to which the participant is entitled under the terms of the plan.

(ii) An installment refund annuity shall be treated as a benefit payable for a period certain and continuous. The period of certainty shall be computed by dividing the amount of the remaining refund by the monthly amount to which the participant is entitled under the terms of the plan.

(2) *Joint and survivor annuity (contingent basis).* The monthly amount computed under § 2609.3(a) shall be reduced by an amount equal to 10% plus 7/10 of 1% for each percentage point in excess of 50% of the participant's benefit that will continue to be paid to the beneficiary. If the benefit payable to the beneficiary is less than 50 percent of the participant's benefit, PBGC shall provide the adjustment factors to be used.

(3) *Joint and survivor annuity (joint basis).* The monthly amount computed under § 2609.3(a) shall be reduced by an amount equal to 4/10 of 1% for each percentage point in excess of 50% of the participant's original benefit that will continue to be paid to the survivor. If the benefit payable to the survivor is less than 50 percent of the participant's original benefit, PBGC shall provide the adjustment factors to be used.

(e) When a benefit is payable in a form described in paragraphs (d)(2) or (3) of this section, and the beneficiary's age is different from the participant's age, by 15 years or less, the monthly amount computed under § 2609.3(a) shall be adjusted by the following amounts:

If the beneficiary is younger than the participant, deduct 1% for each year of the age difference;

If the beneficiary is older than the participant, add ½ of 1% for each year of the age difference.

In computing the difference in ages, years over 65 years of age shall not be counted. If the difference in age between the beneficiary and the participant is greater than 15 years, PBGC shall provide the adjustment factors to be used.

(f) *Step-down life annuity.* (1) The temporary additional amount payable under a step-down life annuity shall be converted to a life annuity payable in monthly installments by multiplying the appropriate factor based on the participant's age and the number of remaining years of the temporary additional benefit by the amount of the temporary additional benefit. The factors to be used are set forth in the table below. The amount of the monthly benefit so calculated shall be added to the level amount of the monthly benefit payable for life to determine the level-life annuity that is equivalent to the step-down life annuity.

Factors for converting temporary additional benefit under step-down life annuity

Age of participant [1] at the later of the date the temporary additional benefit commences or the date of plan termination	Number of years temporary additional benefit is payable under the plan as of the date of plan termination [2]									
	1	2	3	4	5	6	7	8	9	10
45	0.060	0.117	0.170	0.220	0.268	0.315	0.355	0.395	0.435	0.475
46	.061	.119	.173	.224	.273	.321	.362	.403	.444	.485
47	.062	.121	.176	.228	.278	.327	.369	.411	.453	.495
48	.063	.123	.179	.232	.283	.333	.376	.419	.462	.505
49	.064	.125	.182	.236	.288	.339	.383	.427	.471	.515
50	.065	.127	.185	.240	.293	.345	.390	.435	.480	.525
51	.066	.129	.188	.244	.298	.351	.397	.443	.489	.535
52	.067	.131	.191	.248	.303	.357	.404	.451	.498	.545
53	.068	.133	.194	.252	.308	.363	.411	.459	.507	.555
54	.069	.135	.197	.256	.313	.369	.418	.467	.516	.565
55	.070	.137	.200	.260	.318	.375	.425	.475	.525	.575
56	.072	.141	.206	.268	.328	.387	.439	.491	.543	
57	.074	.145	.212	.276	.338	.399	.453	.507		
58	.076	.149	.218	.284	.348	.411	.467			
59	.078	.153	.224	.292	.358	.423				
60	.080	.157	.230	.300	.368					
61	.082	.161	.236	.308						
62	.084	.165	.242							
63	.086	.169								
64	.088									

[1] Age of participant is his age at his last birthday.

[2] If the benefit is payable for less than 1 yr, the appropriate factor is obtained by multiplying the factor for 1 yr by a fraction, the numerator of which is the number of months the benefit is payable, and the denominator of which is 12. If the benefit is payable for 1 or more whole years, plus an additional number of months less than 12, the appropriate factor is obtained by linear interpolation between the factor for the number of whole years the benefit is payable and the factor for the next year.

(2) If a participant is entitled to and chooses to receive a step-down life annuity at an age younger than 65, the monthly amount computed under § 2609.3(a) shall be adjusted by applying the factors set forth in paragraph (c) of this section in the manner described in paragraph (b) of this section.

(3) If the level-life monthly benefit calculated pursuant to paragraph (f)(1) of this section exceeds the monthly amount calculated pursuant to paragraph (f)(2) of this section, then the monthly maximum benefit guaranteeable shall be a step-down life annuity under which the monthly amount of the temporary additional benefit and the amount of the monthly benefit payable for life, respectively, shall bear the same ratio to the monthly amount of the temporary additional benefit and the monthly benefit payable for life provided under the plan, respectively, as the monthly benefit calculated pursuant to paragraph (f)(2) of this section bears to the monthly benefit calculated pursuant to paragraph (f)(1) of this section.

§ 2609.5 Benefit increases.

(a) *Scope.* This section applies:

(1) To all benefit increases, as defined in § 2609.2, payable with respect to a participant other than a substantial owner (as defined in section 4022(b)(6)(A) of the Act), which have been in effect for less than five years preceding the date of plan termination; and

(2) to all benefit increases payable with respect to a substantial owner, which have been in effect for less than 30 years preceding the date of plan termination.

(b) *General rule.* Benefit increases described in paragraph (a) of this section shall be guaranteed only to the extent provided in § 2609.6 with respect to a participant other than a substantial owner and in § 2609.7 with respect to a participant who is a substantial owner.

(c) *Computation of guaranteeable benefit increases.* Except as provided in paragraph (d) of this section pertaining to multiple benefit increases, the amount of a guaranteeable benefit increase shall be the amount, if any, by which the monthly benefit calculated pursuant to paragraph (c)(1) of this section (the monthly benefit provided under the terms of the plan as of the date of plan termination, as limited benefit calculated pursuant to paragraph (c)(4) of this section (the monthly benefit which would have been payable on the date of plan termination if the benefit provided subsequent to the increase were equivalent, as of the date of the increase, to the benefit provided prior to the increase).

(1) Determine the amount of the monthly benefit payable on the date of plan termination (or, in the case of a deferred benefit, the monthly benefit which will become payable thereafter) under the terms of the plan subsequent to the increase, using service credited to the participant as of the date of plan termination, that is guaranteeable pursuant to § 2609.3(a);

(2) Determine, as of the date of the benefit increase, in accordance with the provisions of § 2609.4, the factors which would be used to calculate the monthly maximum benefit guaranteeable (i) under the terms of the plan prior to the increase and (ii) under the terms of the plan subsequent to the increase. However, when the benefit referred to in paragraph (c)(2)(ii) of this section is a joint and survivor benefit deferred as of the date of plan termination and there is no beneficiary on that date, the factors computed in paragraph (c)(2) of this section (ii) shall be determined as if the benefit where payable only to the participant. Each set of factors determined under this paragraph shall be stated in the manner set forth in § 2609.4(b)(1);

(3) Multiply the monthly benefit which would have been payable (or, in the case of a deferred benefit, would have become payable) under the terms of the plan prior to the increase based on service credited to the participant as of the date of plan termination by a fraction, the numerator of which is the product of the factors computed pursuant to paragraph (c)(2)(ii) of this section and the denominator of which is the product of the factors computed pursuant to paragraph (c)(2)(i) of this section.

(4) Calculate the amount of the monthly benefit which would be payable on the date of plan termination if the monthly benefit computed in paragraph (c)(3) of this section had been payable commencing on the date of the benefit increase (or, in the case of a deferred benefit, would have become payable thereafter.) In the case of a benefit which does not become payable until subsequent to the date of plan termination, the amount of the monthly benefit determined pursuant to this paragraph is the same as the amount of the monthly benefit calculated pursuant to paragraph (c)(3) of this section.

(d) *Multiple benefit increases.* (1) Where there has been more than one benefit increase described in paragraph (a) of this section, the amounts of guaranteeable benefit increases shall be calculated beginning with the earliest increase, and each such amount (except for the amount resulting from the final benefit increase) shall be multiplied by a fraction, the numerator of which is the product of the factors, stated in the manner set forth in § 2609.4(b)(1), used to calculate the monthly maximum guaranteeable benefit under § 2609.3(a) and the denominator of which is the product of the factors used in the calculation under paragraph (c)(2)(i) of this section.

(2) Each benefit increase shall be treated separately for the purposes of § 2609.6, except as otherwise provided in paragraph (d) of that section, and for the purposes of § 2609.7, as appropriate.

(e) For the purposes of this part, a benefit increase is deemed to be in effect commencing on the later of its adoption date or its effective date.

§ 2609.6 Five-year phase-in of benefit guarantee for participants other than substantial owners.

(a) *Scope.* This section applies to the guarantee of benefit increases which have been in effect for less than five years with respect to participants other than substantial owners, as defined in § 4022(b)(6)(A) of the Act.

(b) *Phase-in formula.* The amount of a benefit increase computed pursuant to § 2609.5 shall be guaranteed to the extent provided in the following formula: the number of years the benefit increase has been in effect, not to exceed five, multiplied by the greater of (1) 20 percent of the amount computed pursuant to § 2609.5; or (2) $20 per month.

(c) *Computation of years.* In computing the number of years a benefit increase has been in effect, each complete 12-month period prior to the date of termination during which such benefit increase was in effect shall constitute one year.

(d) *Multiple benefit increases.* In applying the formula contained in paragraph (b) of this section, multiple benefit increases within any 12-month period prior to the date of termination and calculated from that date shall be aggregated and treated as one benefit increase.

(e) Notwithstanding the provisions of paragraph (b) of this section, a benefit increase described in paragraph (a) of this section shall be guaranteed only if PBGC determines that the plan was terminated for a reasonable business purpose and not for the purpose of obtaining the payment of benefits by PBGC.

§ 2609.7 Phase-in of benefit guarantee for participants who are substantial owners.

(a) *Scope.* This section shall apply to the guarantee of all benefits described in Part 2605 with respect to participants who are substantial owners, as defined in § 4022(b)(6)(A), at the date of plan termination or who were substantial owners at any time within the 5-year period preceding that date.

(b) *Phase-in formula when there have been no benefit increases.* Benefits provided by a plan under which there has been no benefit increase as defined in § 2609.2, other than the adoption of the plan, shall be guaranteed to the extent provided in the following formula: The monthly amount computed under § 2609.3(a) multiplied by a fraction not to exceed 1, the numerator of which is the number of full years prior to the date of plan termination that the substantial owner was an active participant under the plan, and the denominator of which is 30. Active participation under a plan commences at the later of the date on which the plan is adopted or becomes effective.

(c) *Phase-in formula when there have been benefit increases.* If there has been a benefit increase under the plan as defined in § 2609.2, other than the adoption of the plan, benefits provided by each such increase shall be guaranteed to the extent provided in the following formula: The amount of the guaranteeable benefit increase computed under § 2609.5 multiplied by a fraction not to exceed 1, the numerator of which is the number of full years prior to the date of termination that the benefit increase was in effect and during which the substantial owner was an active participant under the plan, and the denominator of which is 30. However, in no event shall the total benefits guaranteed under all such benefit increases exceed the benefits which are guaranteed under paragraph (b) of this section with respect to a plan described therein.

(d) For the purpose of computing the benefits guaranteed under this section, in the case of a substantial owner who becomes an active participant under a plan after a benefit increase (other than the adoption of the plan) has been put into effect, the plan as it exists at the time he commences his participation shall be deemed to be the original plan with respect to him.

§ 2609.8 Effect of tax disqualification.

(a) *General rule.* Except as provided in paragraph (b) of this section, benefits accrued under a plan after the date on which the Secretary of the Treasury or his delegate issues a notice that any trust which is part of the plan no longer meets the requirements of section 401(a) of the Internal Revenue Code of 1954 or that the plan no longer meets the re-

quirements of section 404(a) of the Code or after the date of adoption of a plan amendment that causes the issuance of such a notice shall not be guaranteed under this part.

(b) *Exceptions.* The restriction on the guarantee of benefits set forth in paragraph (a) of this section shall not apply if:

(1) The Secretary of the Treasury or his delegate issues a notice stating that the original notice referred to in paragraph (a) of this section was erroneous;

(2) The Secretary of the Treasury or his delegate finds that, subsequent to the issuance of the notice referred to in paragraph (a) of this section, appropriate action has been taken with respect to the trust or plan to cause it to meet the requirements of sections 401(a) or 404(a)(2), respectively, and issues a subsequent notice stating that the trust or plan meets such requirements; or

(3) The plan amendment is revoked retroactively to its original effective date.

Effective date. This part becomes effective on February 11, 1976.

Issued in Washington, D.C., this 30th day of January 1976.

JOHN T. DUNLOP,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

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WEDNESDAY, FEBRUARY 11, 1976

PART VI:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Financial Settlement and Environmental Review Procedures

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 570]

[Docket No. R-76-292]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Financial Settlement of Urban Renewal Projects

On June 9, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (40 FR 24692) the consolidated rules and regulations governing the community development block grant program under Title I of the Housing and Community Development Act of 1974. Subpart I of Part 570 of the regulations, a portion of which was reserved, contained rules for financial settlement of urban renewal projects under provisions of Section 112 of the Act. The purpose of this notice is to propose amendments to Subpart I which reorganize and clarify the urban renewal provisions of the regulations and provide additional implementing requirements and procedures.

In the proposed amendments Subpart I is entitled "Urban Renewal Provisions" since it includes subject matter in addition to financial settlement of urban renewal projects. Each section of Subpart I has been retitled and revised as described below:

1. Section 570.801 is now entitled "Payment of the cost of completing a project" and describes the use of block grant funds for completing urban renewal projects under authority of § 570.200(a)(10). Section 570.801(b) describes the costs for which block grant funds may be used, and the conditions and limitations on such use. The information previously contained in § 570.801(b), (c), and (d) has been moved to § 570.803 and 570.804.

2. Section 570.802 is now entitled "Repayment of Temporary Loans" and covers the implementation of the authority of Section 112(a) of the Act to deduct entitlement grants for repayment of project temporary loan indebtedness. It includes a provision that the Secretary may request submission of a local plan for financial settlement of urban renewal and NDP projects and provides that the Secretary will review community development funds applications to determine whether the Federal Government's financial interest in existing urban renewal projects is adequately protected. In making this determination, the Secretary will take into account only land disposition proceeds anticipated to become available by the end of FY 1978. Section 112(a)(2) of the Act is effectively implemented in § 570.801(b)(2) by authority of Section 105(a)(10) of the Act which accomplishes the same result.

3. Section 570.803 is now entitled "Financial Settlement of Projects Prior to Completion" and covers the implementation of Section 112(b) of the Act. It incorporates and revises information previously contained in § 570.801(b), and clarifies that financial settlement of a project which has not expended all of its funding may be approved prior to its completion if the settlement will result in full repayment of all outstanding temporary loan obligations. It does not distinguish between projects which can and projects which cannot be completed without additional funds, so long as full financial settlement is provided for by application of remaining urban renewal capital grants and any additional local funds toward loan repayment. This section now enumerates the conditions which units of general local government must meet in order to permit early financial settlement under these provisions. Such action shall be subject to the provisions of Part 58.20 of this Title for the environmental review of financial settlements made pursuant to this subpart.

4. Section 570.804 is new, and is entitled "Application for Approval of Financial Settlement". This section contains procedures to implement early financial settlement. It provides for a preliminary request on which basis HUD will advise the applicant what actions will be required in order to comply with the criteria for financial settlement, including protection of the Federal financial interest in other urban renewal projects administered by the same local public agency. It then describes the formal application for financial settlement and release of surplus funds, and the terms of the closeout agreement to be executed by the local public agency, the unit of local government and HUD providing for satisfaction of remaining statutory and administrative requirements.

Interested persons are invited to submit written comments or views on the proposed amendments to subpart I. Comments should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. All relevant material received on or before March 12, 1976, will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

In connection with the environmental review of the proposed amendments to subpart I, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A-107.

(Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383), and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

In consideration of the foregoing, it is proposed to amend 24 CFR Part 570, subpart I, to read as follows:

Subpart I—Urban Renewal Provisions

Sec.
570.800 General.
570.801 Payment of the cost of completing project.
570.802 Repayment of temporary loans.
570.803 Financial settlement of projects prior to completion.
570.804 Application for approval of financial settlement.

Subpart I—Urban Renewal Provisions

§ 570.800 General.

This subpart contains regulations governing the use of funds available under this Part for the completion of urban renewal projects and neighborhood development programs; deductions authorized to be made from such funds for the repayment of temporary loans outstanding in connection with such projects and programs; and procedures for the financial settlement of projects and programs meeting the requirements of this subpart. For purposes of this subpart:

(a) A "project" or "urban renewal project" means an urban renewal project or neighborhood development program being carried out in the jurisdiction of the unit of general local government under a contract with HUD pursuant to the provisions of Title I of the Housing Act of 1949, as amended.

(b) A "temporary loan" means any outstanding direct loan or pledge of temporary loan rights for private market financing, including accrued interest, authorized under the HUD contract for the project.

§ 570.801 Payment of the cost of completing a project.

(a) Urban renewal projects may be continued under their existing contracts with available project funds.

(b) Units of general local government may use funds made available under this Part for payment of the following costs to complete projects:

(1) Payment of the cost of activities approved under the HUD contract for the project with respect to which the budgeted project funds are insufficient, and non cash local grants-in-aid which either (i) were included in a HUD approved urban renewal financing plan dated prior to August 22, 1974, or

(ii) Are otherwise eligible under § 570.200; provided, however, that funds available under this Part shall not be used to pay the cost of local grants-in-aid with respect to which other funds were expended, obligated or otherwise set aside by official action of the unit of general local government prior to approval of the application for the funds under this Part.

(2) Repayment of temporary loans.

(c) Funds made available under this Part for use pursuant to this section shall be identified in the Community Development budget as funds for completion of urban renewal projects and their use shall be governed by the procedures

under this Part. Funds budgeted for repayment of temporary loans shall be deposited in the Urban Renewal Project Temporary Loan Repayment Account when required.

(d) Use of funds made available under this Part for the completion of urban renewal projects shall not increase the maximum loan or grant amount or the requirements for the contribution of local grants-in-aid under the HUD contract for the project.

§ 570.802 Repayment of temporary loans.

(a) *Determination of Federal Government's financial interest.* The Secretary will review the application submitted pursuant to § 570.303 to determine whether the Federal Government's financial interest in existing urban renewal projects will be sufficiently protected.

(1) The Federal Government's financial interest in existing urban renewal projects shall be determined to be sufficiently protected if the Secretary finds that all temporary loans can be repaid without additional project grants, taking into consideration the costs incurred or to be incurred, the estimated proceeds upon any sale or disposition of property, grants approved under the HUD contract for the project, and any funds which are to be provided by the unit of general local government pursuant to the application for funds available under this Part for completion of projects, including the repayment of temporary loans. In estimating such property disposition proceeds with respect to the review of applications for funds under this Part filed in Fiscal Years 1976 and 1977, the Secretary may take into consideration only those proceeds reasonably anticipated to be paid into the Project Temporary Loan Repayment Account by the end of Fiscal Year 1978.

(2) The Secretary may request submission of a local plan for repayment of temporary loans in connection with determinations to be made pursuant to this paragraph.

(b) *Deductions at the initiative of the Secretary.* The Secretary may, after consultation with the chief executive of the unit of general local government and the local public agency, deduct up to 20 percent of the funds made available under this Part in any fiscal year to the unit of general local government from allocations pursuant to § 570.101, for application to the repayment of outstanding temporary loans if the Secretary determines that the Federal financial interest will not otherwise be sufficiently protected. Such action by the Secretary shall not be subject to environmental review requirements. In determining the amount to be deducted, the Secretary shall take into consideration the factors considered in making the findings under § 570.802 (a)(1).

§ 570.803 Financial settlement of projects prior to completion.

(a) Upon written request of the local public agency carrying out the project, approved by resolution of the governing body of the unit of general local government, the Secretary shall approve a financial settlement of any project authorized under the provisions of this section which will result in full repayment of all temporary loans, and which otherwise meets the requirements hereunder. Up to the full amount of the total unearned capital grant allocated for the project by HUD, as well as any additional funds made available for such purpose under the provisions of § 570.801(b)(2) may be applied to repayment of the temporary loans so as to effect the financial settlement. Such financial settlements may be approved by the Secretary pursuant to a financing plan revised on the basis of the noncash local grants-in-aid actually provided. Any surplus grant funds remaining after settlement will be made available to the unit of general local government, without deduction or offset, for use in accordance with the provisions of this Part, provided that release of surplus funds to undertake new activities is not inconsistent with the protection of the Federal financial interest in other projects administered by the same local public agency.

The provisions for financial settlement under this section are authorized for any project with respect to the settlement of which one or more of the following criteria apply.

(1) Incomplete approved project activities (other than the sale of project land) for which project funds are available will not be continued or completed under the HUD contract for the project as a result of the settlement;

(2) Unearned grants allocated for the project will be applied to temporary loan repayment to effect the settlement;

(3) Noncash local grants-in-aid which would otherwise have been required will be reduced under a revised financing plan for the settlement based on the noncash local grants-in-aid actually provided;

(4) Surplus grant funds remaining after the settlement will be made available to the unit of general local government for use in accordance with the provisions of this Part.

(b) The financial settlement of a project under this section shall be subject to the environmental review requirements of 24 CFR § 58.20.

(c) Where the unit of general local government does not intend to complete the project as planned by reason of the financial settlement, it shall be responsible for assessing the effects of such action on any third party obligations under State and local law.

(d) Approval of requests for financial settlement under this section shall be subject to the following requirements with respect to: any incomplete approved project activities which would otherwise be continued or completed with available project funds; any noncash local grants-in-aid which would otherwise be provided under the HUD contract for the project; and the use of any surplus grant funds remaining after the settlement:

(1) The proposed action must not be plainly inappropriate to meeting the needs and objectives stated in the unit of general local government's Community Development Plan;

(2) The proposed action must be subjected to the citizen participation requirements under this Part, and must be reviewed by the Urban Renewal Project Area Committee where one exists;

(3) Any proposed changes in the scope of renewal treatment must not adversely affect housing for which Federal subsidies have been committed or loans or mortgage insurance provided;

(4) Any proposed change in the scope of renewal treatment must not be inconsistent with the satisfaction of any remaining low and moderate income housing requirements under Sections 105 (f) and 105(h) of Title I of the Housing Act of 1949; as amended;

(5) The proposed financial settlement must provide for any remaining relocation payment and assistance obligations incurred as a result of project activities which were undertaken pursuant to the urban renewal contract.

(e) The local public agency carrying out the project, and the unit of general local government in which the project is located must execute a closeout agreement pursuant to the requirements of § 570.804(b)(7).

§ 570.804 Application for approval of financial settlement.

Financial settlement will be approved only after completion of the following actions:

(a) *Preliminary request.* A preliminary request shall be submitted in order to determine what actions will be necessary to comply with the requirements of § 570.803. The request shall be in a form to be prescribed by the Secretary and shall include a report on the status of project activities, an estimate of the amount of surplus grant funds which may remain after financial settlement, and information regarding the financial status of any other projects administered by the same local public agency. The Secretary will review the request and will advise the applicant whether any surplus funds will be required to be applied to other projects and whether any project activities included in the approved budget must be completed in order to comply with requirements of § 570.803(d)(3) and § 570.803(d)(4). The applicant may then proceed to prepare a formal application, including performance of any environmental reviews required pursuant to 24 CFR Part 58.20.

(b) *Application for financial settlement and release of surplus funds.* The application for financial settlement and release of any surplus funds may be submitted either as a program year amendment described in § 570.305 or as part of the unit of general local government's application for funds under this Part, submitted in accordance with § 570.303. A unit of general local government which receives no entitlement amount under Subpart B shall submit an original application in accordance with the requirements of § 570.303. The application shall also include:

(1) A written request for financial settlement submitted by the local public agency carrying out the project and concurred in by the governing body of the unit of general local government in which the project is located.

(2) A description of the steps the applicant has taken to comply with the requirements of § 570.803 and any conditions required by HUD pursuant to review of the preliminary request.

(3) A statement indicating the extent to which incomplete activities are proposed to be continued or completed after financial settlement.

(4) A Certificate of Completion and Gross and Net Project Costs for the project, with appropriate modifications, which includes the cost of any remaining relocation payment obligations pursuant to the requirement of § 570.803(d)(5) as unliquidated claims.

(5) A certification that environmental review required of the applicant pursuant to 24 CFR Part 58.20 has been completed, and that the citizen participation requirements under § 570.803(d)(2) have been complied with.

(6) A Community Development Program or amendment which separately lists the activities to be carried out with surplus funds.

(7) A closeout agreement for concurrence by the Secretary, executed by the local public agency carrying out the project and by the unit of general local government in which the project is located, under the provisions of which:

(i) All remaining undisposed property acquired with project funds shall be identified and the proceeds from the sale or lease of such property after financial settlement shall be treated as program income under the provisions of § 570.506.

(ii) All low- and moderate-income housing required to be provided due to the demolition or removal of residential structures with project funds, pursuant to Section 105(h) of Title I of the Housing Act of 1949, as amended, shall be set forth, and the units actually provided shall be specifically identified. To the extent such housing has not been provided, it shall be incorporated and identified in the unit of general local government's Housing Assistance Plan, described in § 570.303(c).

(iii) All low- and moderate-income housing requirements with respect to which a predominantly residential project was obligated, pursuant to Section 105(f) of the Title I of the Housing Act of 1949, as amended, shall be set forth, and the units actually provided shall be specifically identified. To the extent such housing has not been provided, it shall be incorporated and identified in the unit of general local government's Housing Assistance Plan. Any change in such remaining housing obligations, or in previously approved land uses affecting the remaining housing obligations, shall require the approval of the Secretary as long as the area remains predominantly residential under the provisions of the applicable urban renewal plan.

(iv) Any costs or obligations incurred in connection with the project with respect to claims which are disputed, contingent, unliquidated or unidentified, and for the payment of which insufficient project funds have been reserved under the financial settlement, shall be borne by the unit of general local government. Such additional expenses may be paid from funds made available under this Part.

(v) Provision is made for any special conditions required by the Secretary pursuant to the preliminary request in order to meet the requirements of § 570.803.

(vi) The obligations under the closeout agreement are made specifically subject to the Program Management requirements of Subpart J.

(c) *Staged use of surplus funds.* If the unit of general local government wishes to stage the use of surplus urban renewal funds over a period of years, it may request the Secretary to make the funds available on a schedule specified by the unit of general local government. In this event, the community development plan summary included in the application or amendment shall specify the total usage of funds, and the annual Community Development Program and budget submissions shal linclude only the surplus funds to be spent in the program year.

Issued at Washington, D.C. February 3, 1976.

DAVID O. MEEKER, Jr.,
FAIA, AIP Assistant Secretary for Community Planning and Development.

[FR Doc.76-4055 Filed 2-10-76;8:45 am]

Office of the Secretary

[24 CFR Part 58]

[Docket No. R-76-297]

ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Proposed Amendment Covering Environmental Review of Financial Settlement of Urban Renewal Projects

On January 7, 1975, the Department of Housing and Urban Development ("HUD" herein) amended Title 24 of the Code of Federal Regulations by adding a new Part 58 to Subtitle A. The new Part 58 was published at 40 FR 1392. On July 16, 1975, Part 58 was republished at 40 FR 29992, as an interim rule with certain corrections and amendments.

The purpose of Part 58 is to set forth the regulations governing environmental review procedures to be undertaken by applicants for funds under Title I of the Housing and Community Development Act of 1974, P.L. 93-383 (the "Act" herein).

The purpose of the amendment proposed herein is to add a new § 58.20 setting forth environmental review requirements in regard to proposals under §112 (b) of the Act for financial settlements of Urban Renewal Projects or Neighborhood Development Programs. Other proposed requirements and procedures for these financial settlements are to be set forth in 24 CFR Part 570, Subpart I, and are published concurrently herewith.

Under the proposed § 58.20, an applicant proposing financial settlement of an urban renewal project or neighborhood development program under section 112 (b) of the Act prior to completion of project or program activities other than the sale of project or program land would be responsible for assessing the environmental consequences of that action if either or both of the following conditions exist: (a) a payment, as authorized under section 105(a)(10) of the Act, is made to facilitate the financial settlement; (b) the financial settlement results in a capital grant surplus of $500 or more. HUD would be responsible for assessing the environmental consequences of a proposed financial settlement under section 112(b) of the Act where neither condition (a) nor (b) exists.

It should be noted that the provisions of § 58.19(c), which permit an applicant to proceed without a new environmental review in certain circumstances, would not apply to financial settlement under section 112(b) of the Act, of an Urban Renewal Project or a neighborhood Development Program prior to completion of project or program activities other than sale of project land.

The Department invites any interested person to submit written data and suggestions with respect to this proposed amendment. All relevant materials received on or before March 12, 1976, will be considered before a final rule is adopted. All submittals should refer to the above docket number and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street, S.W., Washington, D.C. 20410. Copies of comments filed will be available for examination during business hours at the above address.

Section 104(h) of the Act requires that these regulations may be issued only after consultation with the Council on Environmental Quality. Such consultation has been accomplished. Also, in connection with the issuance of this § 58.20 as a proposed rule, a Finding of Inapplicability has been made in accordance with HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding of Inapplicability is available for public inspection at the above address.

It is hereby certified that the economic and inflation impacts of the amendment proposed herein have been carefully evaluated in accordance with OMB Circular No. A-107.

Part 58 is therefore proposed to be amended by adding § 58.20 in Subpart B as follows:

§ 58.20 Financial Settlement of Urban Renewal Projects.

(a) *Project undertaken to facilitate early financial settlement.* A project undertaken pursuant to 24 CFR § 570.801

for the purpose of facilitating financial settlement of an urban renewal project (including a neighborhood development program) prior to completion of all urban renewal project activities other than the sale of project land pursuant to 24 CFR §§ 570.803 and 570.804, shall be subject to the following additional requirements and conditions:

(1) Section 58.19(c) shall be inapplicable to such project;

(2) The environmental review for such project shall include, if applicable, an assessment of the environmental consequences of the financial settlement of the urban renewal project prior to completion of all urban renewal project activities other than the sale of urban renewal project land;

(3) Any project which would qualify an urban renewal project for such financial settlement shall be deemed to have been undertaken for that purpose;

(4) The applicant shall use the following sentence in lieu of the first sentence set forth after the word "indicated" in § 58.30(a)(6):

Applicant will use the project to establish a financial basis, and will apply to the Secretary of HUD, for financial settlement prior to completion of the (*identify urban renewal project or NDP*) pursuant to 24 CFR §§ 570.803 and 570.804.

(b) *Financial settlement prior to urban renewal project completion involving surplus of capital grant funds.* A financial settlement pursuant to 24 CFR §§ 570.803 and 570.804, of an urban renewal project prior to completion of all urban renewal project activities other than the sale of urban renewal project land which would result in a surplus of capital grant funds in the amount of $500 or more, together with the proposed use(s) of the surplus shall be deemed a project and shall be subject to the following additional requirements and conditions:

(1) Section 58.19(c) shall be inapplicable to such project;

(2) The environmental review for such project shall include an assessment of the environmental consequences of the financial settlement of the urban renewal project prior to completion of all urban renewal project activities other than the sale of urban renewal project land, and of the proposed use(s) of the surplus except any use(s) set forth in § 58.21;

(3) The application for financial settlement pursuant to 24 CFR §§ 570.803 and 570.804 and use of the surplus resulting therefrom shall be treated as a request for release of funds and shall be subject to the requirements of Subpart C of this Part. However, the applicant shall use the following sentence in lieu of the first sentence set forth after the word "indicated" in § 58.30(a)(6):

(*Name of Applicant*) will apply for financial settlement prior to completion of (*identify urban renewal project or NDP*) and will undertake certain activities, all as described above, with surplus capital grant funds resulting from financial settlement.

(4) The surplus of capital grant funds resulting from such financial settlement may be used for a project which consists entirely of exempt activities under § 58.21 and/or activities which are subjected to environmental assessment pursuant to § 58.20(b) without further compliance with this Part.

(c) *HUD Environmental Review of Financial Settlements.* Prior to acting upon any application submitted pursuant to 24 CFR §§ 570.803 and 570.804 for financial settlement of an urban renewal project for which the environmental consequences of financial settlement prior to completion o furban renewal project activities other than the sale of project land, have not been assessed by the applicant pursuant to § 58.20 (a) or (b), HUD shall itself conduct an assessment of the environmental consequences of the proposed financial settlement. However, if HUD finds that the applicant should have conducted an environmental assessment pursuant to § 58.20 (a) or (b) but failed to do so, the application for financial settlement shall be rejected and the applicant shall be required to comply with the environmental assessment requirements of § 58.20 (a) or (b), as appropriate, on a make-up basis as a condition precedent to resubmission of its application.

(d) *Financial settlement after urban renewal project completion.* Financial settlement pursuant to 24 CFR §§ 570.-801, 570.803 and/or 570.804, of an urban renewal project for which required environmental review has been completed, after completion of all urban renewal project activities other than sale of project land shall be subject to the requirements of § 58.19(c).

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., February 3, 1976.

JOHN B. RHINELANDER,
Under Secretary of Housing and Urban Development.

[FR Doc.76-4056 Filed 2-10-76;8:45 am]

federal register

WEDNESDAY, FEBRUARY 11, 1976

PART VII:

OFFICE OF MANAGEMENT AND BUDGET

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RESCISSIONS AND DEFERRALS

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority and revisions to a rescission proposal and four deferrals previously transmitted.

New estimates increase by $2 million the amounts associated with my earlier proposal to rescind the uncommitted balances of the Rehabilitation Loan Fund administered by the Department of Housing and Urban Development. Other reestimates cause a net reduction of $8.7 million in deferrals previously reported for the General Services Administration and the Departments of Agriculture and Interior. The new deferrals total $37.6 million in budget authority which would be used beyond 1976 to fund three programs of the Departments of Agriculture and Interior.

The details of the revised rescission and the revised and new deferrals are contained in the attached reports.

Gerald R. Ford

THE WHITE HOUSE,
February 6, 1976.

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

(In thousands of dollars)

Rescission #	Item	Budget Authority
	Housing and Urban Development:	
	Community planning and development	
R76-28A	Rehabilitation loan fund.....	62,670
	Subtotal, rescissions.....	62,670
Deferral #		
	Agriculture:	
	Forest Service	
D76-101	Youth conservation corps.....	23,680
D76-38A	Licensee programs.....	153
	Interior:	
	Bureau of Land Management	
D76-12A	Public lands development roads and trails.....	16,100
D76-102	Oregon and California grant lands.	3,016
	Bureau of Indian Affairs:	
D76-103	Construction.....	10,881
D76-20A	Road construction.....	69,339
	General Services Administration:	
D76-48A	Rare silver dollar program.....	1,850
	Subtotal, deferrals.....	125,019
	Total, rescissions and deferrals....	187,689

SUMMARY OF SPECIAL MESSAGES
FOR FY 1976

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Eleventh special message:		
New items.....	---	37,577
Changes to amounts previously submitted.....	2,000	-8,761
Effect of the eleventh special message.....	2,000	28,816
Previous special messages....	3,326,714	6,391,625
Adjustments to eliminate double counting.....	---	-242,023
Total amount proposed in special messages.....	3,328,714 (in 44 rescission proposals)	6,178,418 (in 103 deferrals)

NOTE: All amounts listed represent budget authority except for $106,850,352 consisting of two general revenue sharing deferrals (of outlays only). A supplementary report (D76-25D) was included in the tenth special message for one of these deferrals. The other deferral (D76-67) was reported in the seventh 1976 special message.

R76-28A

SUPPLEMENTAL REPORT
Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary report updates rescission proposal No. R76-28 transmitted to Congress on January 6, 1976, and printed as House Document No. 94-328.

This report covers the Department of Housing and Urban Development's Rehabilitation Loan Fund. The amount proposed for rescission has been increased by $2,000,000. This change is consistent with the 1977 budget.

Recission Proposal No: R76-28A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 94-116) $50,000,000
Bureau: Community Planning and Development	Other budgetary resources 70,670,476
Appropriation title & symbol Rehabilitation Loan Fund 86X4036 8664036	Total budgetary resources 120,670,476
	Amount proposed for rescission $62,670,000*
OMB identification code: 25-06-4036-0-3-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☒ Multiple-year August 22, 1976 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

The Rehabilitation Loan Fund is authorized by section 312 of the Housing Act of 1964, as amended. It has provided financial assistance for the rehabilitation of residential and business properties. Pursuant to the Emergency Housing Act of 1975, the authority to make loans under this program will expire on August 22, 1976.

It is proposed that all unused balances, including appropriated funds and other income available to the loan fund, be rescinded. No additional loan commitments would be made after December 31, 1975. A small amount -- $5,670,000 -- would be retained for loan servicing costs and other expenses.

The Rehabilitation Loan Fund has been replaced by the Community Development Block Grant program under Title I of the Housing and Community Development Act of 1974. One of the many activities eligible for assistance under this new program is housing rehabilitation. Fund allocation experience for 1975 indicates that block grant recipients are programming a significant portion (approximately 9 percent) of their grant funds for that purpose. A similar level of activity is anticipated during the current fiscal year.

* Revised from previous estimate. This estimate is subject to change and may be adjusted once actual accounting data become available. See proposed appropriation language.

The block grant approach is a more desirable method of providing Federal community development assistance, affording communities greater flexibility and discretion in the use of such assistance. This contention is based on the widespread acceptance which this new approach has received from State and local officials, particularly in the area of housing rehabilitation. Consequently, there is no need to continue separate categorical funding through another fiscal year.

*Rescission of the estimated $62,670,000 is therefore proposed.

Estimated Effects

Given the availability of the Community Development Block Grant program, rescission of the amount shown above will have no adverse effect on the ability of localities to provide housing rehabilitation assistance. Significant Federal assistance will still be available.

Outlay Effect (estimated in millions of dollars)

*Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1976.....	$76.0
2. Outlay savings, if any, included in the budget outlay estimate.....	18.4
Current Outlay Estimates for 1976:	
3. Without rescission.....	76.0
4. With rescission.....	57.6
5. Current outlay savings (line 3 minus line 4)	18.4
Outlay Savings for the Transition Quarter.....	25.0
Outlay Savings for 1977.....	8.0
Outlay Savings for 1978.....	---

* Revised from previous report.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY PLANNING AND DEVELOPMENT
REHABILITATION LOAN FUND

Uncommitted balances of appropriations and receipts in the Rehabilitation Loan Fund established pursuant to Section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), other than amounts required for loan servicing costs and other expenses of operation, are hereby rescinded.

Deferral No: D76-101

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 94-165 & 94-41) $ 35,000,000
Bureau	Other budgetary resources 4,408,000
Appropriation title & symbol: Youth Conservation Corps, Forest Service, 125/61125, 126/71125	Total budgetary resources 39,408,000
	Amount to be deferred: Part of year $ ____
	Entire year 23,680,000
OMB identification code: 05-96-1125-0-1-302	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual; ☒ Multiple-year FY following FY for which appropriated (expiration date); ☐ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other ____

Justification:

This program, administered jointly between the Departments of Agriculture and Interior, employs youths aged 15 through 18 to work in forests, parks, and Indian reservations. Participants receive a salary, usually live in camps, and divide their time between environmental education and work projects.

The Department of the Interior and Related Agencies Appropriation Act for fiscal year 1976 and the transition quarter (P.L. 94-165) includes $25,000,000 for the YCC program. In addition, the Continuing Resolution (P.L. 94-41) provided a direct appropriation of $10,000,000. These amounts along with an unobligated balance of $4,408,000 provide the total budgetary resources of $39,408,000--almost three times the amount available in 1975.

Funds are being deferred to maintain a steady program level throughout 1976, the transition quarter, and 1977. The amount now being deferred is consistent with overall restraint proposed for Federal spending to help control inflation while continuing to undertake more comprehensive employment assistance. These funds are proposed for deferral through June 30, 1976, and if appropriate legislation is enacted, $16 million is proposed to be deferred through September 30, 1976.

The 1977 budget proposes no new funding for this program in 1977. The program would be continued in 1977 at the 1976 level by the use of the deferred funds.

Estimated Effects:

The major impact would be to reduce potential employment by approximately 14,800 youths for an average of eight weeks each. Utilization of the deferred funds in the transition quarter and fiscal year 1977 would, however, provide for the continuation of the program with the hiring of approximately 14,800 youths for an average of eight weeks each.

Outlay Effects:

Comparison with the President's 1977 Budget:

1. Budget outlay estimate for fiscal year 1976	$15.5
2. Outlay savings, if any, included in the budget outlay estimate	9.0

Current outlay estimates for 1976:

3. Without deferral	24.5
4. With deferral	15.5
5. Current outlay savings (line 3 - line 4)	9.0
Outlay savings for Transition Quarter	5.3
Outlay savings for fiscal year 1977	-0-
Outlay savings for fiscal year 1978	-0-

D76-38A

SUPPLEMENTARY REPORT
(Report Pursuant to Sec. 1014(c) of P.L. 93-344)

This supplementary report updates deferral No. D76-38 transmitted to the Congress on July 25, 1975, and printed as Senate Document 94-93.

This report covers the Forest Service's licensee programs. The amount deferred has been increased by $57,165 to reflect actual unobligated balances brought forward.

Deferral No: D76-38A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L 18 USC 711) $250,000
Bureau Forest Service	Other budgetary resources 230,664*
Appropriation title & symbol Licensee Programs Forest Service 12X5214	Total budgetary resources 480,664*
	Amount to be deferred: Part of year $ _____ Entire year 152,664*
OMB identification code: 05-96-9999-0-2-302	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification:

Royalties collected under licenses for use of the character "Smokey Bear" and "Woodsy Owl" are permanently appropriated and utilized for furthering the nationwide forest fire prevention campaign and promoting the wise use of the environment as provided by the Act of May 23, 1952 (18 USC 711), and for Woodsy Owl, 31 USC 488B-3-6. The total budgetary resources available in this program for fiscal year 1976 consist of $230,664*in estimated receipts earned in fiscal year 1975 and $250,000 in receipts anticipated for fiscal year 1976. In keeping with routine financial management practices maintained over the years, $152,664*of the total budgetary resources available has been reserved. The reserve is justified on two grounds.

First, the reserve contributes to a consistent, stable program level from year to year which, in turn, promotes more efficient operations. The fiscal year 1976 program is being funded, in part, from reserved balances carried forward from last year. The 1977 program will be partially funded by the estimated receipts being deferred in fiscal year 1976.

*Second, reservation of funds is required to avoid the possibility of a violation of the Antideficiency Act (31 USC 665, (a), (b), (h)). A violation of the sections cited could occur if all the estimates of receipts now deferred were made available and obligated but the full amount of 1976 estimated receipts failed to be realized.

* Revised from previous report.

D76-38A

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*This reserve action is taken under provisions of the Antideficiency Act that authorize the establishment of reserves for contingencies (31 USC 665(c) (2)). The contingency is the realization of expected receipts.

These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects:

The amount deferred has no effect on carrying out the fiscal year 1976 program level as planned. The amount deferred consists of anticipated receipts during fiscal year 1976 that will carry forward to insure a stable program level during fiscal year 1977.

Outlay Effect : (estimated in millions of dollars)
Comparison with President's 1977 Budget:

1. Budget Outlay Estimate for 1976..... .3
2. Outlay Savings, if any, included in the budget outlay estimate..... --

Current Outlay Estimate for 1976:

3. Without deferral..... .3
4. With deferral..... .3
5. Current Outlay Savings (Line 3 and 4)..... --

Outlay Savings for Transition Quarter..... --

Outlay Savings for 1977..... --

Outlay Savings for 1978..... --

* Revised from previous report.

D76-12A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates deferral No. D76-12 transmitted to the Congress on July 1, 1975, and printed as House Document No. 94-206 and Senate Document No. 94-70.

This report covers Public lands development roads and trails within the Department of the Interior. It reflects a decrease of $9,747,000 in the amount being deferred. Furthermore, it revises the estimated savings by -3.5 million in 1976, -.5 million in the transition quarter, and +2.5 million in 1977. Outlay savings for 1978 are estimated at 1.5 million.

Deferral No: D76-12A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. _____) $ _____
Bureau Land Management	Other budgetary resources 30,050,000
Appropriation title & symbol 14X1113 Public Lands Development Roads and Trails	Total budgetary resources 30,050,000
	Amount to be deferred: Part of year $ _____
	Entire year 16,100,000*
OMB identification code: 10-04-1113-0-1-302	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☒ Multiple-year June 30, 1976, June 30, 1977, and June 30, 1978 (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other _____

Justification

Contract authority is authorization to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate contract authority has been appropriated. Appropriated funds are not being deferred by this action. What is being deferred is authority to obligate funds before appropriation.

*Contract authority in this account results from multi-year authorization under the Federal Aid Highway Act. The total amount of contract authority authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch, but is derived from long-term estimates of future road building plans and represents an upper limit for an ongoing road construction effort. The total amount of unobligated contract authority brought forward to 1976 is $30,000,000, of which $5,100,000 is scheduled for obligation in 1976; $1,100,000 in the transition period and $5,000,000 in 1977. In addition, it is expected that $50,000 from reimbursements will be available and obligated in both 1976 and 1977. Based on the current obligation plan, $16,100,000 will be deferred in 1976. Another $4,900,000 would lapse at the end of 1976 and a further $3,900,000 would lapse at the end of 1977 (as provided in the Federal Aid Highway Act of 1973). The expected-to-lapse amounts were proposed for rescission in the special message of January 23, 1976 (R76-40).

D76-12A

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*Funds in this account are used for constructing new roads and trails, reconstructing existing roads and trails, and acquiring easements for access to public lands. The roads and trails systems are used for management of the 450 million acres of public land and by recreationists. The road and trail system currently totals about 44,000 miles of roads and 5,000 miles of trails. In 1976, planned program activity includes 38 miles of new road construction, 28 miles of road surfacing, construction of 5 bridges and 45 miles of trails, and acquisition of 179 easements. This program level is designed to make optimum use of available funds. Deferring contract authority not scheduled for use in the current fiscal year is consistent with the current financial plan and 1976 appropriations. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

*Estimated Effects

If all authorized contract authority were made available for obligation now, the Bureau of Land Management could probably obligate--for lower priority projects than the current budget plan--an additional $1 million in 1976 and the transition quarter and $4 million in 1977.

*Outlay Effect (estimated in millions of dollars)

Comparison with the President's 1977 Budget:	
1. Budget outlay estimate for 1976	4.3
2. Outlay savings, if any, included in the budget outlay estimate	.5
Current Outlay Estimates for 1976:	
3. Without deferral	4.8
4. With deferral	4.3
5. Current outlay savings (line 3 - line 4)	.5
Outlay savings for the transition quarter	.5
Outlay savings for 1977	3.5
Outlay savings for 1978	1.5

Deferral No: D76-102

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 94-165) $ 28,000,000 1/
Bureau Land Management	Other budgetary resources 8,183,211
Appropriation title & symbol 14X5136 Oregon and California grant lands	Total budgetary resources 36,183,211
	Amount to be deferred: Part of year $ _____ Entire year 3,016,211
OMB identification code: 10-04-5136-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [X] Other Appropriated receipts

Justification - The Interior and Related Agencies Appropriation Act for 1976 includes an indefinite no-year appropriation equivalent to 25 percent of timber sale receipts from the revested Oregon and California Railroad grant lands. The appropriated receipts provide for management, development, and protection of Federal Oregon and California grant lands including the construction and maintenance of roads. Because the appropriation is based on the receipts collected in the same year and the receipts are based on the timber harvested, the total amount which will be available for obligation can only be estimated. Not only may actual receipts vary from estimates, but receipts for the last two months of the fiscal year (May and June) are not known in time to make programmatic adjustments to offset a possible shortfall between estimated and actual amounts.

Receipts for 1976 are now estimated at $112 million, thus making $28 million new budget authority available under terms of the appropriation. The unobligated balance carried into 1976 is $8,183,211. Total resources for this program are $36,183,211. Obligations of $33,167,000 are now planned for 1976 with $3,016,211 being deferred in 1976. This is within the unobligated balance range of $3 to $5 million that both the House and Senate Appropriations Committees believe should be maintained. Deferral of this amount is required for prudent fiscal management. This fund cannot be managed on the basis of obligating the full estimated availability without running a high risk of violating the Antideficiency Act. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

1/ Estimated. The appropriation is for "an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands."

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Estimated Effects

The amount deferred has no effect on carrying out the fiscal year 1976 program level as planned. If release of the deferred funds were required, it is unlikely that any additional funds would be obligated--the danger of violating the Antideficiency Act would be too high.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:

1.	Budget outlay estimate for 1976	34.1
2.	Outlay savings, if any, included in the budget outlay estimate	-0-

Current outlay estimates for 1976:

3.	Without deferral	34.1
4.	With deferral	34.1
5.	Current outlay savings	-0-

Outlay savings for the transition quarter ..... -0-

Outlay savings for 1977 ..... -0-

Outlay savings for 1978 ..... -0-

Deferral No: D76-103

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 94-165) $73,922,000
Bureau Bureau of Indian Affairs	Other budgetary resources 44,488,222
Appropriation title & symbol Construction 14X2301	Total budgetary resources 118,410,222
	Amount to be deferred: Part of year $ ---
	Entire year 10,881,000
OMB identification code: 10-76-2301-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

This action defers the obligation of $10,881,000 in appropriations for construction grants to public schools in Indian reservation areas. Such grants are authorized by Public Law 93-638. The deferred amount includes $3,000,000 appropriated in the Second Supplemental Appropriations Act, 1975 (Public Law 94-32) and $7,881,000 in the Department of the Interior and Related Agencies Appropriation Act, 1976 (Public Law 94-165). These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

The funds are being deferred until a set of policies and criteria for the provision of school facilities for Indian children for whom the Department of Interior is responsible can be developed, reviewed, and approved. These policies and criteria are needed to avoid duplication of services provided by other Federal agencies (e.g., existing HEW programs that assist public schools in reservation-impacted areas) and to assure that the multiple Federal and non-Federal sources of financing for Indian school facilities are directed to the areas of greatest need. The Department of Interior has been requested to develop these policies and criteria.

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Estimated Effects

The school construction projects affected by this action are for:

Parker School District, Arizona	$2,023,000
Heart Butte, Montana	2,307,000
Alchesay (White River), Arizona	3,551,000
Unspecified projects in New Mexico and Montana	3,000,000
	10,881,000

An estimated 414 elementary and 439 secondary pupils are associated with the first three schools listed above. None of the students associated with the three schools will be displaced by this action. They will continue their education in existing facilities. To the extent that the affected school districts do not choose to use alternative sources of funding, this action may result in construction delays or revisions to building plans.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:

1. Budget outlay estimate for 1976	73.3
2. Outlay savings, if any, included in the budget outlay estimate	4.0

Current Outlay Estimates for 1976:

3. Without deferral	77.3
4. With deferral	73.3
5. Current outlay savings (line 3 - line 4)	4.0
Outlay savings for the Transition Quarter	1.0
Outlay savings for 1977	5.9
Outlay savings for 1978	0

Deferral No. D76-20A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of P.L. 93-344

This report updates deferral No. D76-20 transmitted to the Congress on July 1, 1975, and printed as House Document No. 94-206 and Senate Document No. 94-70.

The amount deferred from the Bureau of Indian Affairs' road construction program has been increased by $869,203, reflecting a revised estimate of the unobligated balance brought forward on July 1, 1975, and available during fiscal year 1976. The level of obligations planned for 1976 remains the same and is consistent with Congressional action on the 1976 budget.

Deferral No: D76-20A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority $ --
Bureau Bureau of Indian Affairs	*(P.L. _____) Other budgetary resources 136,644,161*
Appropriation title & symbol *Road Construction 14X2364	Total budgetary resources 136,644,161*
	Amount to be deferred: Part of year $ --
	Entire year 69,339,161*
OMB identification code: 10-76-2364-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☒ Multiple-year June 30, 1978 (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other _____

Justification

Contract authority (CA) is **authorization** to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate CA has been appropriated. Appropriated funds are not being deferred by this action. What is being deferred is authority to obligate funds before appropriation.

Contract authority in this account results from multi-year authorization under the Federal-Aid Highway Act (23 U.S.C. 203). The total amount of CA authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch, but represents an upper limit for an on-going road construction effort derived from long term estimates of future road-building plans. The total amount of CA available for 1976 and subsequent years is $136,044,161, of which $66,705,000 is scheduled for obligation in 1976. The deferred balance of $69,339,161* of CA will be available for obligation after 1976.

*Funds in this account are used primarily for improving the existing Indian road system which totals approximately 28,000 miles. The obligation program proposed for 1976 ($66,705,000 from CA plus $600,000 from reimbursements) will improve over 1,000 miles, or about 4 percent of the total, and will fund construction of those projects considered --after consultation with Indian people--to be of the highest priority in 1976. The 1976 Interior and Related Agencies Appropriation Act report includes an appropriation to liquidate contract authority to meet the 1976 obligation program. Reserving CA not scheduled for use in the current fiscal year is consistent with the current financial plan and the appropriations enacted by the Congress.

* Revised from previous report.

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Estimated Effects

*If all authorized CA were available for obligation now there would be little, if any, program or outlay effect because it is not likely the funds would be obligated for projects prior to review of the proposed program by the Congress and the appropriation of cash to liquidate CA. In this program, appropriations traditionally have been based on a review of the proposed obligation plan by the appropriations committees. The 1976 review by the appropriations committees took place in connection with action on the 1976 Interior and Related Agencies Appropriation Act.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1976	66.8*
2. Outlay savings, if any, included in the budget outlay estimate	--
Current Outlay Estimates for 1976:	
3. Without deferral	66.8*
4. With deferral	66.8*
5. Current outlay savings (line 3 - line 4)	--
Outlay Savings for the Transition Quarter	--
Outlay Savings for 1977	--
Outlay Savings for 1978	--

*Revised from previous estimate.

D76-48A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates deferral No. D76-48 transmitted to Congress on July 25, 1975, and printed as House Document 94-225 and Senate Document 94-93.

The amount being deferred for the General Services Administration's Rare silver dollar program has been increased by $59,831 because the actual unobligated balance brought forward into 1976 was greater, in that amount, than had been estimated.

Deferral No: D76-48A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency General Services Administration Bureau	New budget authority $ _____ (P.L. _____) Other budgetary resources 1,849,831* Total budgetary resources 1,849,831*
Appropriation title & symbol Rare Silver Dollar Program 47X0701	Amount to be deferred: Part of year $ _____ Entire year 1,849,831*
OMB identification code: 23-30-5255-0-2-999	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

*Justification

Funds were appropriated in 1972 and 1973, without fiscal year limitation, for operating costs for disposal of rare silver dollars. The Antideficiency Act requires (31 U.S.C. 665 (c)(1)) that "...all appropriations or funds not limited to a definite period of time...shall be so apportioned as to achieve the most effective and economical use thereof." The funds provided to conduct sales of the coins cannot be effectively or economically used at the present time and are, consequently, being deferred. Sales using past procedures are no longer economically feasible and consideration is being given to the effects of alternative terms and conditions on future Government sales of the coins as well as on the coin market in general. The deferral of $1,849,831 reflects plans to suspend all coin sales until legislation is passed revising current sales methods.

Funds are proposed for deferral through June 30, 1976, or if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

The deferral of funds for operating expenses will have no adverse effect on the silver dollar sales program since all of the remaining coins have been previously offered for sale under the existing sale procedures and will be offered again when the new procedures are in effect.

*Revised from previous submission.

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Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1976	.4
2. Outlay savings, if any, included in the budget outlay estimate	1.8
Current Outlay Estimates for 1976:	
3. Without deferral	2.2
4. With deferral	.4
5. Current outlay savings (line 3 - line 4)	1.8
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0
Outlay Savings for 1978	0

[FR Doc.76-4142 Filed 2-9-76;2:49 pm]